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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 2001/54

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Executive summary

In 1992, in response to growing international concern about the large number of internally displaced persons throughout the world and their need for assistance and protection, the Commission on Human Rights requested the United Nations Secretary-General to appoint a representative on internally displaced persons (Commission resolution 1992/73). Francis M. Deng (Sudan) was appointed to this position and, as with other special procedures of the Commission, serves in this capacity on a voluntary and part-time basis.

The Representative was requested to prepare a comprehensive study identifying existing laws and mechanisms for the protection of internally displaced persons, additional measures to strengthen implementation of these, and alternatives for addressing protection and assistance needs not adequately covered by existing instruments. The mandate of the Representative has since been renewed by the Commission four times (in resolutions 1993/95, 1995/57, 1998/50 and 2001/54). The Representative was requested to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention, and ways to strengthen protection, assistance and solutions for the internally displaced, and to do so through dialogue with Governments, intergovernmental, regional and non-governmental organizations, and by taking into account specific situations.

The present report reviews the work of the Representative since the report to the Commission at its fifty-seventh session (E/CN.4/2001/5 and Add.1-5).

The main report, in addition to a brief introduction, provides an overview of developments in the various areas of work of the mandate, specifically: the normative framework, in particular the promotion of the Guiding Principles on Internal Displacement; efforts towards an effective institutional framework; the country focus; and new issues explored through the agenda of research.

There are three addenda to the report. Addenda 1 and 2 consist of reports on the Representative's missions to the Sudan and Indonesia, respectively; addendum 3 is a report of a seminar on internal displacement in Indonesia, which was held in Jakarta in June 2001.

Introduction

1. The fifty-eighth session of the Commission on Human Rights marks the tenth anniversary of the Commission's involvement with the issue of internal displacement which began in earnest in 1992 with the establishment of the mandate of the Representative of the Secretary-General on internally displaced persons in Commission resolution 1992/73. As is the case with most anniversaries, there is some cause for celebration. In particular, the international profile of the problem has been raised to the extent that the needs of internally displaced persons are universally acknowledged and understood. More specifically, a normative framework has been developed for meeting the protection and assistance needs of the internally displaced, as reflected in the Guiding Principles on Internal Displacement, which are widely acknowledged as providing useful guidance to Governments and other relevant actors. In addition, the international humanitarian community and, in particular the Inter-Agency Standing Committee, continues to work towards more effective international institutional arrangements for responding to crises of internal displacement and a more coordinated response on the part of the United Nations. Furthermore, through his country missions, the Representative of the Secretary-General continues to draw attention to specific situations and dialogue with Governments and other pertinent actors on behalf of the internally displaced. Finally, through the Brookings Institution-City University of New York (CUNY) Project on Internal Displacement, which the Representative co-directs, research on various aspects of displacement continues to be conducted in support of the work of the mandate and to raise general awareness of the problem.

2. However, any celebration is tempered, and rightly so, by the realities on the ground. The global crisis of internal displacement remains grave, affecting some 20-25 million persons in at least 40 countries worldwide, forced from their homes by armed conflict, communal and generalized violence, and human rights violations. The displaced are often subject to physical and psychological dangers and deprived of basic needs. The latest evidence of this global crisis has been most graphically demonstrated in Afghanistan since October 2001, where the need to translate normative and institutional responses into effective field-based strategies for the protection, assistance and reintegration and development of the internally displaced remains a compelling challenge for the international community.

3. This report highlights the main developments over the past year in the four main areas of the mandate's activities: the normative framework on internal displacement; the institutional framework; the country focus; and exploring new issues through an agenda for research.

I. THE NORMATIVE FRAMEWORK ON INTERNAL DISPLACEMENT

4. As detailed in the previous reports to the Commission and the General Assembly, a central focus of the mandate since its inception has been the development of a normative framework for addressing the protection and assistance needs of internally displaced persons. Indeed, when the Commission on Human Rights first requested the Secretary-General to designate a Representative in 1992, one of the main tasks with which the Representative was charged was to examine existing international human rights, humanitarian and refugee law and standards, and their applicability to the protection and assistance needs of the internally displaced. In 1993, noting that the Representative had identified a number of tasks requiring

further attention and study, including the compilation of existing rules and norms, and the question of general principles to govern the treatment of internally displaced persons, the Commission, in resolution 1993/95, requested the Representative to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions, with a view to identifying, where required, ways and means of improving protection and assistance for internally displaced persons. The General Assembly welcomed this request and, in resolution 48/135, encouraged the Representative, through dialogue with Governments, to continue his review of the needs for international protection and assistance of internally displaced persons, including through a compilation and analysis of existing rules and norms.

A. Development of the Guiding Principles

5. Working with a team of experts in international law, in 1994 the Representative initiated the preparation of a two-part compilation and analysis of legal norms. The first part of the compilation (E/CN.4/1996/52/Add.2)[1] examined the relevant provisions of international law once people had been displaced. It concluded that, while existing law covered many aspects of relevance to the situation of internally displaced persons, there nonetheless existed significant gaps and grey areas where the law failed to provide sufficient protection. Emphasizing the need for better implementation of the relevant norms, the compilation made recommendations for addressing the identified gaps and grey areas with a view to ensuring a more comprehensive normative framework for the protection and assistance of the internally displaced. The second part of the compilation examined the legal aspects relating to protection against arbitrary displacement (E/CN.4/1998/53/Add.1).

6. Following submission of the first part of the compilation to the Commission in 1996, the Commission, in resolution 1996/52, requested the Representative on the basis of the compilation to develop an appropriate framework; in its view, the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating the specific rights of the displaced. As a result, the Representative and the legal team, which included experts from international agencies and organizations whose mandates were directly relevant to the needs of the displaced, began to develop a comprehensive normative framework of protection and assistance for the internally displaced in the form of guiding principles on internal displacement. The aim was not to create new law in the form of a treaty, but rather to restate existing international law which, while covering many aspects of relevance to internally displaced persons, was too dispersed and diffuse to be effective in ensuring protection and assistance to such persons. Throughout this process, the Representative kept the Commission and the General Assembly informed of progress made and both bodies encouraged him to continue his work in this area. Consultations were also held with representatives of United Nations agencies, regional intergovernmental organizations and non-governmental organizations (NGOs) involved with the internally displaced. A final meeting, hosted by the Government of Austria in Vienna in January 1998, widened the consultative process still further and included legal experts from the various geographic regions as well as representatives from a broad cross-section of relevant United Nations and other international agencies, regional organizations and NGOs.

7. The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), which consolidate the numerous norms relevant to the protection and assistance of internally displaced persons, were presented to the Commission on Human Rights in 1998. Reflecting and consistent with international human rights and humanitarian law, and with refugee law by analogy, the Principles set forth the rights and guarantees relevant to the protection of internally displaced persons in all phases of displacement, providing protection against arbitrary displacement; protection and assistance during displacement; and during return or resettlement and reintegration. The purpose of the Guiding Principles is to address the specific needs of internally displaced persons worldwide. To this end, they provide guidance to all relevant actors: the Representative in carrying out his mandate; States when faced with the phenomenon of internal displacement; all other authorities, groups and persons in their relations with internally displaced persons; and intergovernmental and non-governmental organizations.

8. Soon after their finalization, the Inter-Agency Standing Committee (IASC), composed of the heads of the major humanitarian, human rights and development agencies and organizations, at its meeting of 26 March 1998, adopted a decision welcoming the Guiding Principles and encouraging its members to share them with their executive boards and their staff, especially those in the field, and to apply them in their activities on behalf of internally displaced persons.

9. The following month, in resolution 1998/50, adopted without a vote and sponsored by 55 States, the Commission noted the progress made by the Representative in developing a legal framework, in particular the compilation and analysis of legal norms and the development of the Guiding Principles. It took note of the Guiding Principles, noted with interest the IASC decision, and also took note of the stated intention of the Representative to make use of the Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and requested him to report on his efforts in this regard and the views expressed to him.

10. During the following two years, the Commission and the General Assembly, in resolutions adopted by consensus, welcomed the fact that the Representative had made use of the Guiding Principles in his dialogues with Governments and intergovernmental and non-governmental organizations and requested him to continue his efforts in that regard. They also welcomed the dissemination and application of the Principles by intergovernmental, regional and non-governmental organizations. In 2001, both the Commission and the General Assembly noted with appreciation that an increasing number of States, United Nations agencies and regional and non-governmental organizations were making use of the Guiding Principles and encouraged their further dissemination and application (see below).

B. Recent responses to the Principles

11. Just as the Representative has kept the Commission and the General Assembly informed of the progress in developing the normative framework, he has also regularly reported on the views expressed on the Guiding Principles by Governments and intergovernmental and non-governmental organizations, and on the efforts taken by them to promote, disseminate and apply the Guiding Principles (E/CN.4/1999/79, paras. 14-34; E/CN.4/2000/83, paras. 7-35; E/CN.4/2001/5, paras. 13-61).

12. At consecutive sessions of the Commission on Human Rights since 1998, a number of States have spoken positively of the contribution of the Guiding Principles to helping concerned actors to meet the protection and assistance needs of internally displaced persons (as reported in E/CN.4/2000/83 and E/CN.4/2001/5). At the fifty-seventh session of the Commission, several States expressed their views on the Guiding Principles. The representative of Switzerland noted that the Principles were extremely relevant and important in responding to internal displacement. The representative of Austria referred to the Principles as constituting an important tool for Governments, international, regional and non-governmental organizations and other actors when faced with situations of internal displacement. Moreover, the Austrian Government was encouraged to see the United Nations system and an increasing number of States applying the Principles on the ground, and as such noted that the Principles had gained broad international recognition. Recalling its comments at the Commission's previous session, the representative of India, while noting that the Guiding Principles were not legally binding, also recognized that they could serve as useful guidelines for States when required. The Indian Government did not, however, consider development-induced displacement, cited in the Principles, as falling within the international domain. Finally, the representative of Georgia stated that the Principles were a useful instrument for protecting the rights of internally displaced persons and informed the Commission that the Government was taking steps to bring certain national legislative provisions into line with the standards contained in the Principles. The representative of Georgia was also one of three government panellists to participate in an open meeting at the Commission on using the Guiding Principles. In that meeting, the representatives of the Governments of Angola and Burundi also explained how their Governments were using the Guiding Principles as a basis for domestic law and policy.

13. Reference to the utility of the Principles was also made by a number of States during the third humanitarian segment of the Economic and Social Council which took place in Geneva in July 2001. The Secretary-General, in his report to the Council on strengthening the coordination of emergency humanitarian assistance of the United Nations, referred to the efforts of his Representative in raising the profile of the Guiding Principles, noting in this regard that the Guiding Principles had been reflected in a Constitutional Court decision in Colombia, in new legislation on the return and resettlement of displaced persons in Angola and in legislation to be introduced in Georgia on voting rights for the internally displaced (A/56/95-E/2001/85, para. 55).

14. While the representative of Egypt expressed concern that the Principles had not been formally adopted and the representative of India pointed out that the Principles did not have intergovernmental approval, other States expressed support for the Guiding Principles as a normative standard for internally displaced persons and pointed to their value as guidelines to national authorities in addressing the needs of the internally displaced. The representative of Belgium, in a statement made on behalf of the European Union (EU) member States and countries associated with the EU, specifically Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, reiterated support for the Guiding Principles, noting their use in Colombia, Angola and Georgia, which demonstrated the merit of the Principles and the fact that they were becoming a reference as regards displaced persons. The representative of the United States, noting that primary

responsibility for meeting the assistance and protection needs of the displaced rested with the national authorities concerned, also emphasized, as recognized by the Council in its agreed conclusions in 1999, that all States should apply internationally recognized norms with regard to internally displaced persons. In this regard, the United States Government expressed its continuing support for the work of the Representative in promoting the Guiding Principles as the normative standard for internally displaced persons. The representative of South Africa concurred with the emphasis that responsibility for assistance and protection of internally displaced persons rested primarily with the national authorities. In cases where national authorities were unable or unwilling to assist their displaced population, however, it was incumbent on the United Nations to strengthen international coordination and response efforts on their behalf, to be effected in conjunction with the State concerned and on the basis of the Guiding Principles. The representative noted that this was increasingly the case, citing the example of Angola in the southern African region.

15. The World Conference against Racism, Racial Discrimination, Xenophobia and Religious Intolerance, held in Durban, South Africa, in September 2001, also underlined the important role that States ascribe to the Guiding Principles. Indeed, the Programme of Action that was adopted at the Conference includes several provisions relating to the protection of internally displaced persons and encourages the bodies, agencies and relevant programmes of the United Nations system and States to promote and to make use of the Guiding Principles on Internal Displacement, in particular those provisions relating to non-discrimination.

16. At the fifty-sixth session of the General Assembly, during the Third Committee debate on refugees, returnees and displaced persons, the representative of Belgium, on behalf of the EU member States, reiterated the EU's support for the Guiding Principles, referring to them as the benchmark with regard to the protection of and assistance to internally displaced persons and appealing also for their general application. The representative of Algeria asked whether the broad application of the Principles might be enhanced through their being discussed in an intergovernmental forum. In a written response submitted to the Third Committee on behalf of the Representative of the High Commissioner for Human Rights at Headquarters, the Representative of the Secretary-General replied that considering that the Guiding Principles had been developed in response to successive requests from the Commission and the General Assembly and the wide support they had received since their presentation to those and other appropriate United Nations bodies, it would not be strictly correct to assume that they had not been discussed in pertinent intergovernmental bodies, even though formal adoption was not called for, given their nature as guidelines restating existing law. The Representative also noted the growing application of the Principles by Governments, intergovernmental organizations, regional bodies and NGOs. In particular, he pointed to the growing number of regional intergovernmental bodies discussing and taking note of the Principles. The Organization of African Unity Commission on Refugees in 1999, for example, had adopted a proposal put forward by the representative of Algeria to take note of the Principles "with interest and appreciation". Virtually all speakers at the OAU session had expressed appreciation for the Representative's preparation of the Principles and, at the recommendation of the representative of the Sudan, a call was made for increased awareness in Africa of the Principles.

17. During the Third Committee's subsequent consideration of the draft resolution on protection of and assistance to internally displaced persons, the representative of Egypt called upon the Representative to consult with Governments on the Principles and to report to the General Assembly on the views expressed to him. The representatives of India, the Sudan and the Syria Arab Republic called attention to the non-binding nature of the Principles as they had not been formally negotiated or adopted by an intergovernmental forum. In this connection, the representative of India expressed appreciation that the Representative had met with a number of Governments and intended to broaden and intensify his consultations with States on the Guiding Principles.

18. The Representative of the Secretary-General continued to hold meetings with a number of Governments on the Guiding Principles, including the Governments of Algeria, Egypt and the Sudan. During his visit to the Sudan in September 2001, members of the Government expressed support for the development of a national policy and strategy on internal displacement and agreed to undertake a comprehensive study which would review current government policy and develop cooperative strategies in light of the Guiding Principles and United Nations institutional arrangements (see addendum 1). During the Representative's visit to Indonesia in September 2001, he also discussed the Principles with senior government officials (see addendum 2), and during a visit to Nigeria in August 2001, he held discussions about the Principles with the President and the Permanent Secretary in the Ministry for Foreign Affairs.

19. On 19 December 2001, the General Assembly adopted by consensus resolution 56/164 on protection of and assistance to internally displaced persons, co-sponsored by 64 States from Africa, Asia, the Americas and Europe and reflecting a broad geographical distribution. The Assembly welcomed the fact that the Representative had made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations. It noted with appreciation that an increasing number of States, United Nations agencies and regional and non-governmental organizations were making use of the Guiding Principles and encouraged their further dissemination and application. It also expressed appreciation for the dissemination and promotion of the Principles at regional and other seminars on displacement, and encouraged the Representative to continue to initiate or support such seminars in consultation with regional, intergovernmental and non-governmental organizations and other relevant institutions. Finally, it encouraged the Representative to provide support for efforts to promote capacity-building and use of the Guiding Principles.

20. Resolution 56/172, adopted by the General Assembly by consensus on the situation of human rights in parts of South-Eastern Europe, also made reference to the Guiding Principles. In the first preambular paragraph, the Guiding Principles are included in a list of international and regional human rights and humanitarian standards guiding the General Assembly.

C. Promotion, dissemination and application of the Principles

21. As noted in the Representative's previous reports to the Commission, and in accordance with requests by the Commission and the General Assembly, significant efforts to promote, disseminate and apply the Principles are being undertaken at the national, regional and international levels by Governments, national and international NGOs and intergovernmental organizations.

1. National level

22. At the national level, a number of developments have taken place as concerns the promotion and application of the Principles since the last session of the Commission. Of particular note are ongoing developments with regard to the protection of internally displaced persons in Angola. As noted in the previous report to the Commission, the Guiding Principles formed the basis for minimum standards for the resettlement of internally displaced persons, developed by the Government in cooperation with United Nations agencies in the summer of 2000. In October 2000 these standards were adopted in a decree of the Council of Ministers, signed by President dos Santos, as norms on the resettlement of internally displaced persons, a preambular paragraph of which states that the Guiding Principles establish general principles governing the treatment of internally displaced persons. Since that time, and subsequent to the Representative's mission to the country in October 2000, significant steps have been taken by the Government and the United Nations in developing a national strategy for the protection of internally displaced persons which includes efforts to promote and implement the Guiding Principles.

23. A particularly innovative aspect of this strategy, and one which the Representative believes could be usefully emulated elsewhere, is the development of provincial protection plans which involves a joint Government-United Nations training group composed of representatives from the military, the judiciary, the Attorney-General's Office, the national police, the Ministry for Social Assistance and Reintegration (MINARS), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs (OCHA). The group conducts protection training in the provinces with the aim of assisting its counterparts at the provincial level to develop provincial protection plans. Participants identify the specific problems in their province on the basis of the Guiding Principles and the steps which need to be taken, and by whom, to address these problems. The results of this process are incorporated into a protection plan specific to that particular province which is adopted by the participants on the basis of consensus and signed by the provincial governor. Implementation of the plans is monitored at the provincial level by OCHA-led teams and at the national level by a joint technical group composed of United Nations agencies. In addition, the plans themselves provide for the establishment of human rights committees to monitor and promote their implementation.

24. To support these efforts the United Nations country team has also established a system for collecting information and monitoring the conditions of the internally displaced at the provincial level. The system involves regular interviewing with displaced persons in camps by OCHA field advisers using a questionnaire based on the above-mentioned Norms on Resettlement and the Guiding Principles.

25. These efforts were further strengthened in November 2001 at a five-day workshop conducted jointly by UNHCR, OCHA and the Human Rights Division (HRD) of the United Nations Office in Angola which provided training to senior officers and provincial humanitarian coordinators of the Government's Technical Unit for Coordination of Humanitarian Assistance (UTCAH), as well as 10 OCHA national officers and 5 HRD national officers, on monitoring compliance at the field level with international and national human rights

standards, including the Guiding Principles. Training was provided by senior staff of United Nations agencies and also senior technical staff from MINARS, UTCAH and the Attorney-General's Office. The opening session of the workshop included statements from the Minister for Social Assistance and Reintegration, the Minister of Justice, the Attorney-General and the United Nations Humanitarian Coordinator.

26. As noted in the Representative's report to the fifty-sixth session of the General Assembly (A/56/168, para. 21), following a mission by the Senior Inter-Agency Network on Internal Displacement, the Government of Burundi, in collaboration with the United Nations country team, in February 2001 established a permanent framework for the protection of internally displaced persons. The framework comprises two bodies - the Committee for the Protection of Displaced Persons, and the Technical Group for Follow-Up - whose monitoring and remedial actions in support of the displaced are to be undertaken within the framework provided by the Guiding Principles.

27. A number of Governments continue to request or participate in training and other seminars on the Guiding Principles, in particular within the context of the training programme on the Principles organized by the Global IDP Project of the Norwegian Refugee Council (NRC). Subsequent to the Representative's previous report to the Commission, in which reference was made to NRC training workshops in Angola and Georgia, additional such workshops have been undertaken in Sierra Leone, Colombia, Liberia, Burundi and India, aimed at personnel from the relevant government ministries and departments as well as staff from national and international NGOs and United Nations agencies. The training workshop in Colombia, held in May 2001, was aimed specifically at 43 recently elected members of the Municipal Ombudsman's Office in the province of Antioquia, the region most affected by internal displacement. The municipal ombudsmen play a key role in the implementation and enforcement of domestic legislation on internally displaced persons.

28. In addition to such NRC training workshops, the Representative continues to initiate or support national workshops on the Guiding Principles. In June 2001 a seminar on internal displacement was held in Indonesia with a view to raising the visibility of the problem and identifying ways to improve the national and international response with reference to the Guiding Principles. The seminar was co-sponsored by the Brookings-CUNY Project on Internal Displacement, the Center for Research on Inter-group Relations and Conflict of the Faculty of Social and Political Sciences of the University of Indonesia, the National Commission on Human Rights, OCHA, the United Nations Development Programme (UNDP) and UNHCR. It was attended by more than 130 participants from throughout Indonesia, including government officials, and representatives of United Nations agencies, international organizations, local and international NGOs and research institutions. The Coordinating Minister for Political, Social and Security Affairs opened the seminar at a ceremony also attended by several government officials, diplomats and representatives of the media. The recommendations and report of the seminar are contained in addendum 3 to the present report.

29. It will be recalled that national level workshops were also to be held during the Representative's mission to the Sudan which was originally due to take place in May 2001. Two workshops were planned, one in Khartoum and co-sponsored by UNDP and the Brookings-CUNY Project, and the other in the south of the Sudan, in Rumbek, also in

collaboration with UNDP and the Brookings-CUNY Project. As the Representative noted in his report to the fifty-sixth session of the General Assembly, at the last moment, the Government decided against holding the workshops, but invited the Representative to visit the country in order to discuss the situation, with a view to agreeing on alternative plans for the workshops. Thus, the September mission focused ostensibly on discussing with the Government the possibility of convening a seminar on internal displacement in the Sudan, to be held in Khartoum in the first half of 2002. The seminar will provide a forum in which the Government, United Nations agencies, international and non-governmental organizations, the donor community and the internally displaced themselves could discuss, in a constructive and cooperative spirit, the national response to internal displacement and develop ways of enhancing that response with the support and collaboration of the international community. As detailed in addendum 1 to the present report, the Government was receptive to this initiative and it is hoped that the workshop will proceed in April 2002.

30. As reported to the last session of the Commission and the General Assembly, for non-governmental organizations at the national level, the Guiding Principles have become an important vehicle for bringing about improved treatment for internally displaced persons, and they are actively using them in countries throughout the world to monitor and assess the needs of the internally displaced and advocate on their behalf. It will be recalled that as follow-up to the regional workshop on internal displacement in the South Caucasus that was convened in Tbilisi, in May 2000, co-sponsored by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe, the Brookings Project and the NRC, the ODIHR, the Georgian Young Lawyers Association and the Brookings Project agreed to support a project, to be undertaken by groups of local lawyers, to review national legislation and administrative procedures in Armenia, Azerbaijan and Georgia on the basis of the Guiding Principles and then to assess the extent to which reforms might be needed in the laws and regulations to achieve compliance with international standards. In October 2001, the report of the Armenian lawyers' group was discussed at a meeting in Yerevan, attended by the lawyers concerned and representatives of the Government of Armenia, the ODIHR, and international experts and non-governmental organizations. Similar meetings in Georgia and Azerbaijan are to be held in 2002.

31. In Sri Lanka, the Consortium of Humanitarian Agencies, a group of more than 50 NGOs, has been conducting an outreach programme based on the Guiding Principles among government officials, international organizations, international and national NGOs and displaced communities. To this end, it has published a "Toolkit" in English, Sinhala and Tamil, as well as a variety of other training materials for use in ongoing workshops and round tables. In Colombia, too, an outreach programme is being developed by NGOs on the basis of the Guiding Principles.

32. In the former Yugoslav Republic of Macedonia, from 31 May to 4 June 2001, the Centre for Refugees and Forced Migration Studies of the University of Skopje, in collaboration with the Brookings-CUNY Project, organized a lecture series entitled "Exodus within borders: the global crisis of internal displacement". The lectures, which were given by experts from academic and research institutions, international organizations and non-governmental organizations, sought to raise the visibility of the problem of internal displacement in the Balkans region and gave

particular attention to the Guiding Principles. Audiences included government officials, international organizations, regional organizations, international, regional and national military and police, non-governmental organizations, academics, experts and students. Television, radio and newspapers featured the series. In December 2001, the Proceedings were published and widely disseminated. Members of the lecture team also went on to Bulgaria and Albania to hold meetings. The Macedonian portion of the lecture series was co-sponsored by the Institute for Sociological, Political and Juridical Research of the University of Skopje, UNHCR-Skopje and the Open Society Institute. The Bulgarian portion was co-sponsored by UNHCR-Sofia, the Bulgarian Red Cross, the Refugee Agency and the Bulgarian Helsinki Committee; and the Albanian portion was sponsored by the Centre for Refugee and Migration Studies in Tirana.

33. National human rights institutions continue to constitute an important forum for the promotion of the Guiding Principles. It will be recalled that at the regional Conference on Internal Displacement in Asia (Bangkok, February 2000) it was proposed that national human rights institutions should focus on the rights of the internally displaced, press for the observance of the Guiding Principles and promote specific steps to protect internally displaced persons. In August 2000, the Asia Pacific Forum for National Human Rights Institutions expressed support for a greater role for those bodies with the internally displaced and during its Sixth Annual Meeting, held in Sri Lanka in September 2001, Forum members specifically discussed the relevance of the Guiding Principles to their work. In their concluding statement Forum members welcomed the opportunity to share their experiences on the internal displacement issue and requested the secretariat of the Forum to seek funds for national institutions that request assistance for their work on the issue.

34. At the second Conference of Euro-Mediterranean National Institutions for the promotion and protection of human rights,[2] attended by institutions from Albania, Croatia, Cyprus, France, Greece, Italy, Morocco, Palestine, Portugal and Tunisia, held in Athens in November 2001, the institutions reiterated their commitment to promoting and supervising the implementation of human rights protection in accordance with the international human rights obligations undertaken by States, particularly concerning migrants, asylum-seekers, refugees and displaced persons.

35. The Representative intends to further explore possibilities for strengthening his cooperation with national human rights institutions and regional and international networks of national institutions, including with the International Coordinating Committee on National Institutions established pursuant to the recommendations of the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, convened in Tunis in December 1993 and welcomed by the Commission on Human Rights in resolution 1994/54.

36. To assist in the promotion, dissemination and application of the Guiding Principles at the national level, and indicative of their increasing use and relevance in different parts of the world, the Principles continue to be translated into an increasing number of languages. To facilitate dissemination, these translations are being posted on the web site of the Office of the High Commissioner for Human Rights (OHCHR). Initially made available in all the official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish) for

their submission to the Commission in 1998, the Principles have since been translated into a number of local languages relevant to particular situations of internal displacement: Albanian; Armenian; Azerbaijani; Bahasa (Indonesia); Georgian; Burmese and Sgaw Karen (Myanmar); Dari and Pashtu (Afghanistan); Macedonian; Portuguese (Angola); Sinhala and Tamil (Sri Lanka); and Turkish. Their translation into Abkhazian (Georgia), Chin (Myanmar), Tagalog (Philippines) and Tetum (East Timor) is under way and interest has been expressed from various quarters to translate the Principles into other local languages such as Gulu (Uganda), Kurdish and Dinka (Sudan). Efforts to translate and publish the Principles have been undertaken at the initiative of a variety of actors - the United Nations and its agencies, international and local NGOs and Governments, often working in partnership. Support for additional such efforts may be available from OHCHR in the framework of technical cooperation projects.

37. In addition to the translation and dissemination of the Principles, efforts are also focusing on the translation of the Handbook for Applying the Guiding Principles, published by OCHA and the Brookings Project in 1999 and which, it will be recalled, aims to spell out the meaning of the Guiding Principles in non-technical language and facilitate their practical application. While the Handbook was originally published in English only, the importance of further empowering local NGOs and displaced communities and the need to develop outreach strategies has underlined the need also to translate the Handbook into at least all the United Nations official languages and other local languages. With support from the Schurgot Foundation, the Brookings-CUNY Project has arranged for the translation of the Handbook into French and Russian, both of which will be published by the United Nations. The Pan-American Health Organization and local NGOs in Colombia have translated the Handbook into Spanish.

38. In Indonesia, OCHA, in cooperation with the Brookings-CUNY Project, is facilitating the translation of the Handbook into Bahasa and encouraging an outreach campaign around the Principles and the Handbook, being developed by Oxfam and a local NGO.

39. In the former Yugoslav Republic of Macedonia, following the lecture series on internal displacement noted above, the Centre for Refugees and Forced Migration Studies, with the support of UNHCR and the Brookings-CUNY Project, translated the Principles, as well as the Handbook and the Manual on Field Practice in Internal Displacement, into the Macedonian and Albanian languages. In September 2001, it held a round table to raise awareness of these documents among Government officials, international organisations, NGOs, and academics in Macedonia.

40. It is the hope of the Representative that such initiatives will be replicated elsewhere, with support from United Nations agencies, international NGOs and research and academic institutions.

2. Regional level

41. Regional organizations continue to devote attention to the promotion and application of the Principles. Both the General Assembly and the Commission have noted with appreciation that regional organizations are making use of the Guiding Principles in their work and have encouraged their further dissemination and application, in particular through seminars in

collaboration with the Representative. Both the General Assembly and the Commission have welcomed initiatives undertaken by the Organisation of African Unity (OAU), now the African Union (AU), the Economic Community of West African States (ECOWAS), the Organization of American States (OAS) and the Organization for Security and Cooperation in Europe (OSCE).

42. The African Union, it will be recalled, has taken note of the Guiding Principles "with interest and appreciation" and in 1998 co-sponsored a seminar on their use in Africa. The recommendations of that seminar as well as the text of the Guiding Principles are included in the Compendium of OAU Instruments and Texts on Refugees, Returnees and Displaced Persons in Africa 1963-1999, which was published jointly by the OAU and UNHCR in 2000 to commemorate the thirtieth anniversary of the 1969 Convention Governing Specific Aspects of Refugee Problems in Africa.

43. At the subregional level, it will be recalled that in April 2000, ECOWAS ministers adopted a declaration at the Conference on War-Affected Children in West Africa, held in Ghana and co-hosted by the Governments of Ghana and Canada, which welcomed the Guiding Principles and called for their application by ECOWAS member States. This declaration was subsequently adopted at the ECOWAS Summit of Authority of Heads of State and Government, held in Bamako, in December 2000. Building on this momentum, in August 2001, the Representative held consultations with senior officials at the ECOWAS secretariat in Abuja, including with the Executive Secretary of the organization, Ambassador Kouyate, to discuss the possibility of convening a regional seminar on internal displacement in West Africa and the application of the Guiding Principles. Ambassador Kouyate and other officials, stressing the extent of the problem of internal displacement in the region, welcomed this initiative and further consultations are under way between the Office of the Representative and the ECOWAS secretariat with a view to convening such a seminar during 2002.

44. In the Americas, the Inter-American Commission on Human Rights of the OAS and its Rapporteur on internally displaced persons have regularly been applying the Principles in their work, monitoring conditions in different countries in terms of the Principles. Most recently, in April 2001, the Inter-American Commission published its fifth report on the situation of human rights in Guatemala. In the chapter concerning displaced persons, the Commission noted that the Guiding Principles serve as the most comprehensive statement of the norms applicable to the internally displaced. The Commission further recalled that the Principles provide authoritative guidance on how the law should be interpreted and applied during all stages of displacement, noting in the case of Guatemala, the relevance of principles 28-30 concerning return, resettlement and reintegration.

45. Within the European region, the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) have continued to focus on the application of the Principles. It will be recalled that in September 2000, ODIHR, in conjunction with the Government of Austria in its capacity as Chairperson-in-Office of the OSCE, convened a Supplementary Human Dimension Meeting on Migration and Internal Displacement, at which the Representative gave a keynote address. A principal goal of the seminar was to elaborate ways in which OSCE institutions, field operations and participating States could enhance their response to internal displacement, in

particular through the practical application of the Guiding Principles. Among its recommendations, the meeting called for the integration of internal displacement into the activities of the OSCE, using the Principles as a framework for doing so.[3]

46. The recommendations of the Vienna meeting were revisited in September 2001 at the OSCE's Human Dimension Implementation Meeting, held in Warsaw. During a working session focusing on freedom of movement, including displaced persons, a statement delivered on behalf of the Representative recalled the recommendations of the Vienna meeting and noted the importance of the present meeting as an opportunity to reaffirm those recommendations and to call for their translation into practical measures to ameliorate the plight of Europe's internally displaced. Statements in support of an enhanced OSCE role with the internally displaced were also made by the Governments of Azerbaijan, the Federal Republic of Yugoslavia and Norway, as well as by the Norwegian Refugee Council (NRC) and the Helsinki Federation. In addition, written recommendations submitted to the meeting by UNHCR encouraged participating States to make a particular effort to support the internally displaced and in doing so to adopt the Guiding Principles as their yardstick.

47. Prior to the working session on freedom of movement, NRC organized a panel discussion on internal displacement in the OSCE region. The meeting, in which the Office of the Representative participated, was well attended by a number of representatives of OSCE participating States and NGOs, and included discussion of the development and reception of the Guiding Principles.

48. The Warsaw meeting heard calls from the GUAMM States (Georgia, Uzbekistan, Ukraine, Azerbaijan and the Republic of Moldova) for the appointment of an OSCE adviser on refugees and internally displaced persons within ODIHR, tasked with collecting information on acute problems of refugees and displaced persons in the OSCE area and formulating, through the Director of ODIHR, appropriate recommendations to the Permanent Council for action by the OSCE. It is the hope of the Representative that the OSCE in future will give serious consideration to the appointment of a focal point on internally displaced persons and will use the Guiding Principles more formally as a framework for its activities in this area.

49. Also at the European level, the Council of Europe has become increasingly engaged with the internal displacement issue, in particular through the activities of the Parliamentary Assembly and its Committee on Migration, Refugees and Demography, which have sought to address situations of internal displacement, for example, by undertaking fact-finding missions to displacement-affected countries and recommending respect for the Guiding Principles.[4] In September 2001, the Committee held a seminar in Geneva on internal displacement in Europe and the application of the Guiding Principles, co-hosted by the Representative, the Office of the High Commissioner for Human Rights and the Brookings-CUNY Project on Internal Displacement. The Representative has since been informed by the Committee's Chairman that as follow-up to the seminar a report is to be drawn up containing recommendations to Council of Europe member States in support of the Guiding Principles, including a possible recommendation from the Parliamentary Assembly to the Council's Committee of Ministers that it invite member States to observe the Guiding Principles and include their provisions in national legislation if this has not yet been done.[5]

3. International level

50. In addition to what was reported earlier, the Commission on Human Rights has consistently emphasized the importance of integrating the internal displacement issue into the activities of its special procedures (country and thematic) and the human rights treaty bodies and for them to include relevant information and recommendations in their reports. A number of the Commission's special procedures have begun and continue to refer to the Guiding Principles in their reports and statements and also in the context of urgent appeals. The human rights treaty bodies, for their part, have become increasingly seized with the displacement issue and the Guiding Principles. In particular, the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination have continued to recommend in relevant cases that States parties to the respective conventions give effect to the provisions contained in the Guiding Principles.

51. OHCHR continues to be engaged in the promotion, dissemination and application of the Principles. The High Commissioner for Human Rights uses the Principles in her advocacy efforts in regard to specific country situations and has also referred to them in relation to specific thematic concerns regarding the internally displaced. To further enhance the promotion and protection of the rights of internally displaced persons worldwide, OHCHR has included a project on internally displaced persons in its Annual Appeal for 2002. Among the activities envisaged in the project is the promotion and further integration of the internal displacement issue into the work of the treaty bodies and special procedures, including convening a half-day workshop on the Guiding Principles for independent experts and their staff in conjunction with the annual meetings of the treaty bodies and special procedures. Another key component is the translation and publication of the Guiding Principles into local languages in countries with problems of internal displacement. Though modest in financial requirements (US$ 50,000), the project stands to make an important contribution to the further promotion, dissemination and application of the Guiding Principles.

52. Prior to the fifty-second session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR), in October 2001, UNHCR hosted its annual pre-EXCOM meeting with NGOs. The three-day meeting included a panel discussion on the implementation of the Guiding Principles, with presentations by the Special Coordinator of the Senior Inter-Agency Network on Internal Displacement, the Office of the Representative, as well as representatives of UNHCR, the ICRC and the NRC. The panellists underlined the value of the Guiding Principles as a tool for the dissemination of standards and training relating to the treatment of internally displaced persons. It was also underlined that the implementation of the Principles at the field level remains the main challenge and that in this regard, NGOs were playing an indispensable role in their promotion and dissemination.

53. Both the Senior Inter-Agency Network on Internal Displacement and the new Unit on Internal Displacement established within OCHA have made the Guiding Principles their framework (see below). The Representative looks forward to the Unit's training and dissemination programmes, based on the Principles, currently being planned (see below).

54. To conclude, the Guiding Principles have clearly come to constitute an important guide for Governments, international organizations, regional bodies and NGOs in their work on behalf of the displaced. They are also becoming an empowerment tool for displaced populations. Consistent with the central role of dialogue in the implementation of the mandate, the Representative intends to broaden ongoing consultations with States (reported above in I.B) in order further to explore their concerns and how best to apply the Principles in support of internally displaced persons.

II. TOWARDS EFFECTIVE INSTITUTIONAL ARRANGEMENTS

55. Another key component of the mandate since its inception has been making suggestions and recommendations on the institutional aspects of the international response for providing protection and assistance to internally displaced persons, on which the Representative has reported regularly. It will be recalled that among the various options originally presented by the Representative were the creation of a special agency for the internally displaced, the designation of an existing agency to assume full responsibility for the internally displaced, and collaboration among the various relevant agencies. While the last option has become the preferred one for the international community it has not always proven adequate, especially in the area of protection of physical safety and human rights. Although important steps towards remedying this state of affairs were taken in accordance with the Secretary-General's 1997 Programme for Reform - in particular, the assigning to the Emergency Relief Coordinator the responsibility for ensuring that the protection and assistance needs of internally displaced persons are more effectively addressed within the inter-agency framework - the response to specific situations of internal displacement nonetheless remains ad hoc and still largely focused on assistance.

56. Steps have been taken by the IASC, with the active involvement of the Office of the Representative, to attempt to further reinforce the effectiveness of the collaborative approach. As reported previously, in order to clarify responsibilities for the internally displaced within this framework, "Supplementary guidance to humanitarian/resident coordinators on their responsibilities in relation to internally displaced persons" was prepared and subsequently adopted by IASC principals in April 2000. The document consolidates earlier policy guidelines, recalling the different levels of international responsibility for internally displaced persons. In particular, it restates the responsibility of the humanitarian/resident coordinator or the country director of the lead agency (if designated) for the strategic coordination of the United Nations response to the needs of internally displaced persons. In addition, the humanitarian/resident coordinators or country directors are given responsibilities in the area of advocacy, in particular to engage in dialogue with national and local authorities to impress upon them their primary responsibility for protecting and assisting internally displaced persons. Furthermore, in support of the Representative's advocacy role, the humanitarian/resident coordinators or country directors are expected to advise on possibilities for the Representative to engage in dialogue with the authorities and with the international community in support of protecting and assisting internally displaced persons.

57. As noted in the Representative's previous report to the Commission but of continuing relevance, the main value of the "Supplementary guidance" document lies in recalling and highlighting long-standing responsibilities and in placing emphasis on accountability for their

effective fulfilment. Accordingly, implementation of the guidance, in particular with regard to protection, will need to be closely monitored. It should also be noted that at its meeting in November 2001, the IASC Working Group agreed to revise the terms of reference of humanitarian coordinators, noting that there were several areas where these could be strengthened, including in regard to issues concerning internally displaced persons. The Office of the Representative intends to be actively involved in this process.

58. It will be recalled that the IASC has sought also to clarify the role of IASC members in providing protection and assistance to internally displaced persons. Indeed, although it is widely recognized that protection, together with assistance and solutions, is essential to an effective response to humanitarian crises, protection remains an ill-addressed component of a comprehensive response to internal displacement. Part of the problem, the Representative had been told, was a lack of conceptual clarity as to the meaning of "protection". Accordingly, the Representative, together with the High Commissioner for Human Rights and the Emergency Relief Coordinator, set out to clarify the meaning of "protection" as regards the internally displaced. A joint paper prepared by their offices and presented to the IASC Working Group subsequently became the basis for an IASC-wide policy paper on the issue, adopted by the IASC in December 1999.

59. The policy paper constitutes a core document for the IASC in its response to internal displacement and an important basis for strategy development. The challenge, however, is that of giving practical effect to the various strategic types of protection activity that the paper outlines. In this regard, the Representative was concerned to find during his recent missions to some countries that United Nations country teams were not familiar with, and possibly not even aware of the existence of the policy paper. This concern was raised at the meeting of the IASC Working Group in October 2001, at which the decision was taken to resend the protection policy paper and other relevant documents to resident/humanitarian coordinators as soon as possible.

60. Further, the IASC Working Group developed a training package, consisting of six modules, for middle-level management and field-level programme staff of United Nations agencies and other international agencies to enhance their response to the protection, assistance and development needs of internally displaced persons.

61. Notwithstanding such efforts, concerns continued to be raised, especially beginning in 2000, with regard to the ad hoc and largely assistance-focused response of the international community. In response, the IASC acknowledged that the collaborative approach needed to be further improved in order to address more effectively the protection and assistance needs of the internally displaced.

A. Senior Inter-Agency Network and OCHA Unit

62. To this end, and as reported to the Commission last year, the Senior Inter-Agency Network on Internal Displacement was established by the IASC in September 2000 and charged with undertaking reviews of selected countries with internally displaced populations and to make proposals for an improved inter-agency response to their needs. The country reviews were also to provide the basis for longer-term recommendations to strengthen future response. The Guiding Principles provide the frame of reference for the review process.

63. Headed by a special coordinator, the Network comprises senior focal points from participating member agencies and standing members of the IASC. Its terms of reference accord a special role to the Representative in view of his global advocacy function and expertise, and the special coordinator is to seek his advice with regard to all activities and to liaise closely with him. The office of the Representative is thus an active member of the Network.

64. The process of country reviews began with inter-agency missions to Ethiopia and Eritrea in October 2000 and to Burundi in December. During 2001, the Network undertook missions to Angola, Afghanistan and Colombia. The office of the Representative participated in both the Angola and Colombia missions. The special coordinator also undertook a preliminary mission to Indonesia in October 2001 with a view to discussing with the Government and the United Nations country team the prospects for a full Network mission to that country.

65. In April 2001, on the basis of the findings of those missions undertaken between October and March 2000, and following consultations among members and standing members of IASC, the special coordinator presented his interim report to the Emergency Relief Coordinator which outlined proposals for a strengthened inter-agency response in the field and for strengthened support capacity at headquarters level. Specifically, it proposed the establishment within OCHA of a dedicated unit for coordinating United Nations activities regarding internally displaced persons, to be staffed by personnel seconded from international agencies and NGOs. The Unit would provide expertise, training and guidance to country teams and humanitarian agencies working in the field, undertake systematic reviews of selected countries to assess international efforts to meet the assistance and protection needs of internally displaced persons and make recommendations for improved response. The Unit would also support the global advocacy efforts of the Representative. In May 2001, the Network's proposals were approved by the Secretary-General, and by the beginning of 2002 the Unit had become fully operational with a staff of seven persons under the special coordinator.

66. By December 2001 secondments to the Unit had been forthcoming from UNICEF, UNHCR, the International Organization for Migration and the NGO consortia on a non-reimbursable basis; UNDP on the basis of a cost-sharing arrangement; and the World Food Programme on a reimbursable basis. Discussions are also ongoing with the Representative about seconding someone to the Unit and with other IASC members, including OHCHR, to identify ways in which they can best support the unit.

67. Following the establishment of the Unit, it is envisaged that the Senior Network will continue to meet on a regular basis to examine issues related to internal displacement and to provide guidance and advice to the Unit as appropriate. It may also be called upon to undertake inter-agency initiatives, including missions to displacement-affected States if appropriate.

B. Complementarity between the Representative and the Network/Unit

68. The establishment of the Network/Unit has elicited questions about the differences and similarities between this new entity and the office of the Representative, both of which are mandated to promote greater responsiveness to the needs of internally displaced persons.

69. The mandate of the Representative, it will be recalled, initially established by the Commission on Human Rights in 1992, was to study the causes and consequences of internal displacement, both generically and specifically, in affected countries. It has evolved, at the request of the Commission and the General Assembly, into four main areas of work: developing a normative framework for the internally displaced and promoting the dissemination and application of the Guiding Principles; evaluating international and regional institutional arrangements for the internally displaced; undertaking country missions to evaluate conditions on the ground and dialogue with Governments and other actors; and, under the auspices of independent research institutions, carrying out research into various aspects of the problem of internal displacement, including acting occasionally as a "research arm" for relevant organizations of the United Nations system.

70. The Representative reports regularly on his activities to the Commission and the General Assembly, and of course to the Secretary-General himself. However, he does so as an independent expert outside the United Nations Secretariat. He thus exhibits a degree of flexibility in his analyses which facilitates his role as a catalyst and advocate for internally displaced persons.

71. The Network, by contrast, and, in due course, the OCHA Unit are intended to reinforce the role of the Emergency Relief Coordinator (ERC) in ensuring that United Nations agencies, in cooperation with Governments, better coordinate and improve the delivery of assistance and protection to internally displaced populations worldwide. While not operational in itself, the Network/Unit focus on the operational performance of agencies on the ground, examining the efficiency of the international response - in particular, issues of coordination - and reporting thereon to the ERC and the IASC.

72. While there are distinctive mandates and features in the work of the mandate of the Representative and the Network/Unit, their respective activities are also complementary and mutually reinforcing. Indeed, there are several areas in which cooperation can be strengthened. First, with regard to the promotion of the Guiding Principles, the Unit plans to use the Principles as an overarching framework for its work, and the Representative looks forward to close cooperation with the Unit in promoting the dissemination and application of the Principles and the Handbook for Applying the Guiding Principles. In particular, the following activities will be explored: the provision of training to United Nations field staff in an effort to operationalize the Principles (facilitated by the Unit); the convening of seminars and capacity building projects to reinforce these efforts (carried out by the Representative); and the dissemination and publication of the Principles and the Handbook in different languages (carried out jointly).

73. Second, in terms of institutional cooperation, the Representative welcomes the efforts of the Network/Unit to improve coordination of United Nations agencies and in particular to remedy gaps in the delivery of protection and assistance to internally displaced persons. To strengthen cooperation between the mandate and the Network/Unit, the Representative has sent members of his office on two country missions of the Network, as already noted, and plans to second a staff member to work in the Unit.

74. Third, with regard to cooperation on country missions, the Representative and the Unit plan to coordinate the selection and sequencing of the countries to be visited, according to comparative advantage. This will allow one to pave the way for and build upon the experience of the other. The nature of the reports they prepare will differ according to the requirements of the Commission and the General Assembly, on the one hand, and those of the inter-agency operational mechanisms on the other.

75. Depending on the sequencing of their missions, the Representative and the Unit plan to make use of each other's reports and follow up on their findings and recommendations. For example, the Network's missions to Angola and Colombia followed the Representative's missions to those countries and were able to build upon the Representative's findings.

76. In addition to his missions to countries deemed to be complex emergencies by the United Nations system, the Representative has felt it necessary to visit other countries which may be attracting little attention but where the problems of displacement may be significant. This can supplement the work of the Unit. When agencies find it useful, they also call upon the Representative to visit a particular country, as was done when the IASC requested the Representative to visit Burundi in 2000 to reinforce its message on *regroupement*. Operational agencies on the ground often find the intervention of an ombudsman-like figure from outside the country team to be an effective way of articulating the international community's concerns to a Government without jeopardizing their working relationship with that Government.

77. Finally, in terms of coordinating studies and information sharing, through participation in the Network and planned participation in the Unit, the Representative's office has provided and will continue to provide information and guidance for missions and sometimes staff support, whereas the Unit will provide an inter-agency forum and operational expertise on coordination issues. Both the mandate and the Unit plan a mutual exchange of information on specific country situations, especially in the preparation of missions.

78. The mandate and the Unit can also cooperate in the development of IASC policy on internal displacement and in overall research so that the findings of both reinforce one another. To date, the Representative, together with the Emergency Relief Coordinator and the High Commissioner for Human Rights, has played a major role in the development of the IASC policy on protection of internally displaced persons and, together with UNICEF, contributed a study to the IASC on the extent to which internally displaced persons are included within the Consolidated Appeals Process. In addition, the Representative and the senior coordinator have embarked upon joint advocacy efforts, issuing in November 2001 a joint press statement on the situation in Afghanistan, calling for immediate humanitarian access to the displaced and other vulnerable groups.[6]

79. Both the Representative and the Network/Unit benefit from the country analyses of the Global IDP Database (managed by the Norwegian Refugee Council), the establishment of which was a long-standing recommendation of the Representative.

80. In the final analysis, it should be reiterated that both the mandate and the Network/Unit seek to complement and reinforce one another in raising awareness of Governments and the international community to the plight of millions of internally displaced persons and their urgent

need for protection and assistance. For the most part, the mandate and the Network/Unit have distinct characteristics. However, a degree of overlap is inevitable and even desirable in reinforcing efforts on behalf of internally displaced populations.

III. COUNTRY FOCUS

81. Country missions continue to constitute a crucial part of the work of the Representative. Undertaking such missions provides an opportunity to study the situation of the internally displaced, to assess the effectiveness of national and international responses in addressing their protection, assistance and development needs and, most importantly, to engage in a solutions-oriented dialogue with the authorities and other actors. The missions also provide an opportunity for the Representative to discuss the Guiding Principles with Governments, intergovernmental organizations and non-governmental organizations, something which both the Commission on Human Rights and the General Assembly have welcomed and encouraged.

82. To date, the Representative has undertaken 21 country missions, to Angola, Armenia, Azerbaijan, Burundi (twice), Colombia (twice), East Timor, El Salvador, Georgia, Indonesia, Mozambique, Peru, Rwanda, the Russian Federation, Somalia, Sri Lanka, the Sudan (twice), Tajikistan and the former Yugoslavia. Since his last report to the Commission, the Representative visited the Sudan and Indonesia in September 2001, detailed reports on which are submitted to this session of the Commission as addenda 1 and 2 to the present report.

83. The objective of the Representative's visit to the Sudan was to dialogue with the authorities and representatives of the international community on the problem of internal displacement in the Sudan with a view to laying the foundations for an enhanced governmental response to the problem, in cooperation and with the support of the international community. Indeed, with an internally displaced population currently estimated to be in excess of 4 million people, the Sudan has not only the largest displaced population in Africa but in the world. In his discussions with government officials the Representative, who is himself Sudanese, noted that as the country most affected by internal displacement, the Sudan has much to gain from being seen to be taking the lead on this issue, in particular at the national level, in responding to the protection and assistance needs of its own uprooted citizens and also at the international level in advocating for the cause of the internally displaced. Moreover, the Representative felt that express and enhanced commitment to the issue by the Government would likely stimulate a similar response from the donor community.

84. To this end, the Representative discussed with the Government the development of a national policy and strategy on internal displacement, including the establishment of a national focal point and institution with an express mandate for meeting the needs of all those affected. The Representative was very well received and, in addition to field visits, he had discussions with government authorities at all levels, including the President and the First Vice-President. Members of the Government expressed support for the approach he proposed and agreed to undertake a comprehensive study, which would review current government policy and develop cooperative strategies in light of the Guiding Principles on Internal Displacement and United Nations institutional arrangements. The Government agreed also to use the study as the background document for an international conference to be held next year in Khartoum which would provide a forum in which the Government, United Nations agencies, international and

non-governmental organizations, the donor community and the internally displaced themselves could discuss, in a constructive and cooperative spirit, the national response to internal displacement and develop ways of enhancing that response with the support and collaboration of the international community.

85. The Representative's mission to Indonesia, where there are more than 1 million internally displaced persons, aimed to initiate a dialogue with the authorities responsible for the adoption and implementation of policies to assist and protect internally displaced persons. The Representative met with the Vice-President of the country and other senior officials. His overall assessment of the situation, in particular the gaps in and obstacles impeding the delivery of assistance and protection, is set forth in his report to the Commission (see addendum 2). Specific recommendations to address the root causes of displacement, and to ensure that the Government's new policy is translated into comprehensive and well coordinated programmes of assistance and protection, with particular focus on durable solutions, are also presented. The Representative's mission also discussed the recommendations of the above-mentioned seminar on internal displacement (see addendum 3) which called for more concerted efforts by the Government to address the needs of internally displaced persons, in particular the establishment of effective national institutional arrangements, the creation of an information system, measures to address the specific needs of women and children, the enhancement of safety and protection, steps to rebuild trust and solidarity among different ethnic and religious groups, an expanded role for international organizations and NGOs, and the wide dissemination and application of the Guiding Principles.

86. It is hoped that the recommendations emanating from these and previous country missions will be given due regard by the Governments concerned and by the international community and will be implemented. The Commission has stressed the importance of appropriate follow-up by Governments and by the relevant parts of the United Nations system. The resident/humanitarian coordinators have a particular responsibility for ensuring that the recommendations are duly considered by the country team and for providing updated information on their implementation.

87. In this regard, the Representative would note that follow-up efforts have been undertaken subsequent to his missions to Azerbaijan, Angola and the Sudan. However, the potential exists for much broader and more systematic follow-up in these and other countries visited. In a number of countries to which he has undertaken missions, there exist focal points with specific responsibility for monitoring the situation of displaced persons and who could be requested to provide relevant information to the Representative if they are not yet doing so. In countries to which the Representative has conducted official visits and in which there is a human rights field presence under the auspices of OHCHR, the Department of Political Affairs or the Department of Peacekeeping Operations, the reports they submit to the Commission, the General Assembly or the Security Council could usefully and systematically include information on the situation of internally displaced persons, if this is not yet the case. Concerns regarding the plight of internally displaced persons have been consistently raised in resolutions of the Commission and the General Assembly in regard to specific countries or regions. Again, the Representative would urge that information regarding internal displacement in the relevant countries be systematically included in reports submitted pursuant to these resolutions as well.

88. The Representative, for his part, plans to undertake in the current phase of his mandate a systematic review of the recommendations of all his country missions and will report to the Commission thereon. The particular plight of internally displaced women and children, whose concerns the Representative regularly reports on, will be given special attention in this review.

89. Looking ahead, plans are being developed for a number of country visits to be undertaken during the year 2002. In particular, the Representative hopes to reschedule missions to the Philippines and Turkey which were initially to take place in June and October 2001, respectively, but which he was forced to postpone due to unforeseen circumstances. The Representative has received an invitation from the Government of Mexico to undertake a mission to that country during the course of 2002, and he remains hopeful that a positive response will be forthcoming to his outstanding request to undertake a second mission to the Russian Federation, in particular to Chechnya.

90. Pursuant to resolution S-5/1 adopted during the fifth special session of the Commission on Human Rights, held from 17 to 19 October 2000, the Representative wrote to the Government of Israel requesting a visit to the occupied Palestinian territories. However, a positive response was not forthcoming. In February 2001, the Representative was informed by the Permanent Observer Mission of Palestine in Geneva of the willingness of the Palestinian Authority to cooperate fully with the Representative in providing him with any information or assistance needed to facilitate such visit by the Representative.

IV. EXPLORING NEW ISSUES

91. Although the major task of studying the global crisis of internal displacement and existing legal and institutional frameworks for addressing it is largely complete, there remain issues on which additional research and consideration are required.

92. In response to a recent request by OCHA to explore the question of when internal displacement ends, the Representative plans to call together experts and representatives of international organizations and NGOs to examine the issue and come up with practical guidance.

93. A number of additional issues were referred to in the Representative's last report to the Commission on which research is continuing. One concerns national responsibility in situations of internal displacement. Given that the primary responsibility for meeting the protection and assistance needs of the internally displaced rests with the national authorities of the State concerned, the Brookings-CUNY Project is carrying out a comparative analysis of national responses to situations of internal displacement with a view to promoting more effective policies and programmes at the national level and simultaneously helping to guide the most appropriate international response.

94. As a follow-up to the International Colloquy on the Guiding Principles, held in Vienna in 2000, a review is also under way of the activities of regional organizations in regard to internally displaced persons with a view to identifying the most effective roles for those organizations in addressing situations of internal displacement.

95. Research into the role of peacekeeping forces vis-à-vis internally displaced populations is also being undertaken. Specifically, the Brookings-CUNY Project is seeking to determine the ways in which peacekeeping forces can better support the assistance and protection needs of internally displaced persons in those locations where they are deployed.

96. The Brookings-CUNY Project, together with the Migration Policy Institute based in Washington, DC, is also concentrating on the development of a more comprehensive protection regime for refugees and internally displaced persons. There are concerns in refugee circles that extending protection to the internally displaced will prevent persons from fleeing their countries and undermine their right to asylum, the keystone of refugee protection. The Project is undertaking research into the tensions that exist with a view to developing policy responses that might better integrate the protection concerns of both groups into a comprehensive regime.

V. CONCLUSION

97. In the 10 years since the Commission decided to request the Secretary-General to appoint a representative on the issue of internal displacement, significant progress has been made in recognizing and responding to the global crisis of internal displacement and in developing normative and institutional frameworks for protecting and assisting those affected. In many parts of the world, however, protecting and assisting large numbers of people in desperate situations is still a neglected concern or an unfulfilled aspiration at best.

98. While the Guiding Principles have been well received at the rhetorical level, their implementation remains problematic, and often rudimentary. In addition, some Governments, admittedly a minority, question the manner in which the Principles were developed, even though they acknowledge their sources in human rights law, humanitarian law and analogous refugee law as authoritative. Institutional arrangements appear well conceived at United Nations Headquarters and at the relevant agencies and, to a degree, in the capital cities of the affected countries. The Senior Inter-Agency Network and the Unit on Internal Displacement at OCHA are certainly promising. But they still have to operationalize the collaborative approach in a manner that actually delivers both effective protection as well as assistance to the needy populations on the ground. And while the Representative and other pertinent organs of the United Nations and the international community engage in constructive dialogue with Governments on behalf of their affected populations, some Governments deny access not only to the displaced, but also to their countries altogether.

99. There is, therefore, still an urgent need for the international community to take the crisis of internal displacement very seriously and to respond commensurately. This is not only a human rights and humanitarian problem; it is a security problem that threatens the core of the affected countries, their subregions and, ultimately, the international community.

100. We cannot afford to be complacent in the face of this challenge. We must go beyond congratulating ourselves for what has so far been achieved - although it is important to appreciate the progress made as a foundation for more vigilant action. The international community is called upon to consolidate and strengthen its support for the Guiding Principles as a document that builds credibly on existing standards. To the extent that the Principles postulate the primary responsibility of the State in the context of international partnership for the affected

communities, they signify the overriding norms of sovereignty as a positive concept of State responsibility, which is increasingly recognized and upheld as a cardinal principle of the international system. We need to support and reinforce the initiative of those Governments that have endorsed the Principles, utilized them in their national legislation and administrative reforms and disseminated them widely, including in the local languages. We also need to support the work of regional organizations, several of which are beginning to integrate internal displacement and the Guiding Principles into their policies and programmes.

101. Institutionally, the collaborative arrangement and the coordinating role of the Emergency Relief Coordinator and OCHA also need to be made more effective in mobilizing the operational agencies to deliver protection and assistance to the needy populations. The real significance and long-term prospects of the Network and Unit can only be judged by their effectiveness in operationalizing coordination among the agencies that have the capacity to deliver assistance and protection, and to make sure that this is tangibly manifested on the ground.

102. The fact that the international community has now been seized with the global crisis of internal displacement raises the expectations and hopes of displaced populations around the world. To guard against hope turning into despair, the United Nations, which is the ultimate guarantor of human dignity on a global scale, needs to live up to its image and ensure international cooperation on behalf of the millions of internally displaced persons around the world, for whom there is no credible alternative.

Notes

[1] Subsequently issued as publication No. 9 in the Human Rights Study Series. United Nations publication, Sales No. E.97.XIV.2, 1998.

[2] See Declaration of Athens, adopted on 3 November 2001 by the Euro-Mediterranean National Institutions.

[3] See OSCE, Supplementary Human Dimension Meeting: Migration and Internal Displacement, Vienna, 25 September 2000, Final Report.

[4] See Report of the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe concerning the conflict in Chechnya, document 8632, 25 January 2000.

[5] See Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe, Internal Displacement in Europe - Motion for a Recommendation, Council of Europe Doc. 9247, 8 October 2001.

[6] "United Nations officials concerned with internal displacement call for immediate humanitarian access to the displaced and other vulnerable groups in Afghanistan", OCHA press release, 16 November 2001.

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**SPECIFIC GROUPS AND INDIVIDUALS:
MASS EXODUSES AND DISPLACED PERSONS**

Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 2001/54

Addendum

Report on the mission to the Sudan*

* The executive summary of this mission report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission and Arabic only.

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Executive summary

At the invitation of the Government of Sudan, the Representative of the United Nations Secretary-General on internally displaced persons, Dr. Francis M. Deng, undertook an official mission to the Sudan from 11 to 18 September. This was the Representative's second mission to Sudan, having previously visited the country in 1992.

In Khartoum, the Representative, himself Sudanese, engaged in candid, constructive and fruitful dialogue with H.E. President Omar al-Beshir, the First Vice-President, Mr. Ali Osman Mohamed Taha, the Ministers for Foreign Affairs, International Cooperation, Information and Communication, Higher Education, and Defence, the Minister at the Council of Ministers, the Minister of the Federal Bureau, the Presidential Peace Adviser, the State Minister for Foreign Affairs, the Chief of the Internal Security Agency, the Wali of Khartoum State and members of his administration, the Speaker and Deputy Speaker of the National Assembly, and the Secretary-General of the Council for International People's Friendship. He also met with representatives of United Nations agencies and other international organizations and non-governmental organizations, as well as representatives of the diplomatic and donor community. The programme included visits to settlements of displaced persons in and around Khartoum as well as to Ed Daien, Abyei and Atbara, during the course of which he met with local authorities and internally displaced persons themselves.

Originally, as the Representative noted in his report to the fifty-sixth session of the General Assembly, this second mission was to have taken place in May 2001, at which time it would have involved an intensive programme of meetings with Government officials in Khartoum and with representatives of the Sudan People's Liberation Movement and its Army (SPLM/A) in Nairobi, as well as extensive field visits to settlements for the displaced in both Government- and SPLM/A-controlled areas. The May mission was to have been combined also with a workshop on internal displacement, to be held in Khartoum, which was agreed to by the Government and co-sponsored by the United Nations Development Programme (UNDP) and the Brookings Institution-City University of New York (CUNY) Project on Internal Displacement, of which the Representative is co-director. A similar workshop was to be held in southern Sudan, in Rumbek, also in collaboration with UNDP and with the support of the Brookings-CUNY Project.

As the Representative also noted in his report to the General Assembly, at the last moment, elements within the Government opposed the mission and the workshops proceeding as planned, for reasons that were not initially explained, although the Representative learned later that they had to do with concerns over potential infringement of national sovereignty (A/56/168, para. 72). However, as also reported, the Government did indicate that the Representative was welcome to visit the country in order to discuss the situation, with the optimistic expectation that agreement on alternative arrangements could be reached. Thus, the mission as undertaken in September was markedly less extensive than that which had been planned for May. It focused ostensibly on dialoguing with the Government and representatives of the international community in Khartoum on the problem of internal displacement in the Sudan with a view to laying the foundations for an enhanced national response to the problem with the support of,

and in cooperation with, the international community. Discussing with the authorities the holding of the previously agreed upon seminar in Khartoum was also central to the objectives of the mission.

To this end, the Representative discussed with the Government the development of a national policy and strategy on internal displacement, including the establishment of a national focal point and institution with an express mandate for meeting the needs of all those affected, with increased support from the international community. Perhaps the most constructive outcome of the mission on which other results hinged was the unanimous agreement within the Government, once the initial concerns with national sovereignty were effectively addressed, to proceed with plans for the national seminar to be held in Khartoum with appropriate preparations and contributions on the part of the Government. Members of the Government agreed to undertake a comprehensive study which would review current government policy and develop cooperative strategies in light of the Guiding Principles on Internal Displacement, United Nations institutional arrangements and experience gained from other national and regional seminars on internal displacement. The Government agreed also to use the study as one of the main background documents for the seminar to be held in Khartoum in 2002. The seminar would provide a forum in which the Government, United Nations agencies, international and non-governmental organizations, the donor community and the internally displaced themselves could discuss, in a constructive and cooperative spirit, the national response to internal displacement and develop ways of enhancing that response with the support and collaboration of the international community.

Annex

Report on the mission to the Sudan

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Introduction

1. The Sudan has the unenviable distinction of not only having possibly the largest number of internally displaced persons in Africa, but in the world. At the beginning of 2001, approximately 4 million Sudanese were displaced within the Sudan, while an estimated 420,000 had sought refuge in the Central African Republic, Chad, the Republic of the Congo, Egypt, Ethiopia, Kenya, Uganda, and a number of European States. Additionally, thousands have been resettled in Australia, Canada and the United States of America. Of the 4 million internally displaced, United Nations sources estimate that some 1.8 million are to be found in and around the capital, Khartoum. Approximately 500,000 are dispersed in eastern Sudan and throughout the so-called "transition zone" which runs across central Sudan from Nyala in the west through the Nuba mountains to Damazin in the east. A further 300,000 displaced persons live in Government-controlled towns in southern Sudan while the remaining 1.4 million are displaced in areas under the control of the opposition Sudan People's Liberation Movement and its Army (SPLM/A).

2. While natural disasters, in particular drought and famine and also flooding, have resulted in significant displacement in Sudan, the primary cause of displacement in the country is the civil war that has raged since 1983 between successive Governments and the SPLM/A and the activities of various militia groups allied to one side or the other or acting independently. More recently, it has been reported that oil exploration is also causing displacement.

3. The origins and complexities of the conflict, and the serious human rights and humanitarian situation arising therefrom are extensively documented elsewhere, including in the report of the Representative of the Secretary-General to the forty-ninth session of the Commission (E/CN.4/1993/35), following his first official mission to the country in 1992, and in the annual reports to the Commission and the General Assembly of the Special Rapporteur on the situation of human rights in the Sudan as well as in the reports of human rights and humanitarian non-governmental organizations. While the Representative was able to discuss with the authorities the political developments in the country, with special reference to the conflict and the prospects for peace, the mission was concerned primarily with the conditions of displaced populations and ways in which the Government, in partnership with the international community, might respond more effectively to their needs.

4. The focus of this brief report is limited to discussing the objectives and outcome of the mission, which, from that perspective, was a productive one. The Representative, himself Sudanese, undertook his second official mission to Sudan from 11 to 18 September 2001, at the invitation of the Government. In Khartoum, he engaged in candid, constructive and productive dialogue with H.E. President Omar al-Beshir, the First Vice-President, Mr. Ali Osman Mohamed Taha, the Ministers for Foreign Affairs, International Cooperation, Information and Communication, Higher Education, and Defence, the Minister at the Council of Ministers, the Minister of the Federal Bureau, the Presidential Peace Adviser, the State Minister for Foreign Affairs, the Chief of the Internal Security Agency, the Wali of Khartoum State and members of his administration, the Speaker and Deputy Speaker of the National Assembly, and the Secretary-General of the Council for International People's Friendship. The Representative also

met with senior staff from United Nations agencies and other international organizations and non-governmental organizations, as well as with representatives of the diplomatic and donor communities. The mission programme also included visits to settlements of displaced persons in and around Khartoum as well as to Ed Daien, Abyei and Atbara, during the course of which he met with local authorities and internally displaced persons themselves, and the host communities.

5. Originally, as the Representative noted in his report to the fifty-sixth session of the General Assembly (A/56/168), this second mission was to have taken place in May 2001, at which time it would have involved an intensive programme of meetings with government officials in Khartoum and with representatives of the SPLM/A in Nairobi, as well as extensive field visits to settlements for the displaced in both Government- and SPLM/A-controlled areas. The May mission was to have been combined with a workshop on internal displacement, to be held in Khartoum, which was agreed to by the Government and co-sponsored by the United Nations Development Programme (UNDP) and the Brookings Institution-City University of New York (CUNY) Project on Internal Displacement, of which the Representative is co-director. A similar workshop was to be held in southern Sudan, in Rumbek, also in collaboration with UNDP and with the support of the Brookings-CUNY Project.

6. As the Representative also noted in his report to the General Assembly, at the last moment, elements within the Government opposed the mission and the workshops proceeding as planned, for reasons that were not initially explained, although the Representative learned later they had to do with concerns over potential infringement of national sovereignty (ibid., para. 72). However, as also reported, the Government did indicate that the Representative was welcome to visit the country in order to discuss the situation, with the optimistic expectation that agreement on alternative arrangements could be reached. Thus, the mission as undertaken in September was markedly less extensive than that which had been planned for May. It focused ostensibly on dialoguing with the Government and representatives of the international community in Khartoum on the problem of internal displacement in the Sudan with a view to laying the foundations for an enhanced national response to the problem with the support of, and in cooperation with, the international community. Discussing with the authorities the holding of a previously agreed upon seminar in Khartoum was also central to the objectives of the mission.

7. To this end, the Representative discussed with the Government the development of a national policy and strategy on internal displacement, including the establishment of a national focal point and institution with an express mandate to meet the needs of all those affected, with increased support from the international community. Perhaps the most constructive outcome of the mission on which other results hinged was the unanimous agreement within the Government, once the initial concerns with national sovereignty were effectively addressed, to proceed with plans for the national seminar to be held in Khartoum, with appropriate preparations and contributions on the part of the Government. Members of the Government expressed support for this approach and agreed to undertake a comprehensive study which would review current government policy and develop cooperative strategies in light of the Guiding Principles on Internal Displacement, United Nations institutional arrangements and the experience gained from other national and regional seminars on internal displacement. The Government agreed also to use the study as the main background document for the seminar to be held in Khartoum in 2002.

The seminar would provide a forum in which the Government, United Nations agencies, international and non-governmental organizations, the donor community and the internally displaced themselves could discuss, in a constructive and cooperative spirit, the national response to internal displacement and develop ways of enhancing that response with the support and collaboration of the international community.

I. THE MISSION AND ITS OUTCOME

8. The approach taken by the Representative in this and all his country missions, and one which was particularly pertinent to concerns of the Government of the Sudan regarding national sovereignty, rests on the recognition that internally displaced persons fall within the domestic jurisdiction and therefore within the national sovereignty of the States concerned. It is also based on the fundamental assumption that national sovereignty carries with it responsibilities towards the citizens and that under normal circumstances Governments discharge that responsibility. When, for a variety of reasons, Governments are unable to provide their citizens with adequate protection and assistance, they are expected to invite, or at least welcome, international cooperation to supplement or complement their own efforts.

9. As emphasized consistently throughout the mission by the Representative as well as by members of the international humanitarian and donor community, the Sudan is the country worst hit by the crisis of internal displacement. The magnitude of the humanitarian and human rights tragedy involved makes it incumbent upon the Government not only to mobilize international cooperation to address the assistance and protection needs of the displaced in the country, but also to play a leading role at the international level to promote the cause of the scores of millions of people internally displaced throughout the world.

10. This is not to say that the Government is currently oblivious to the plight of the displaced in the country, or to the need for international assistance. Indeed, the United Nations Consolidated Inter-Agency Appeal (CAP) for the Sudan for 2001 observed that during 2000 both national and local authorities and counterparts in the Sudan demonstrated an increased inclination to participate and coordinate humanitarian operations, assessment, planning and decision-making, which it described as a welcome trend that was expected to increasingly characterize working relationships with the international humanitarian community.

11. For his part, the Representative found that since his mission in 1992, encouraging steps had been taken by the Government and the international humanitarian community which went in the general direction of his recommendations at that time, made in light of his visits to displaced settlements on the outskirts of Khartoum and in Abyei on the "border" between northern and southern Sudan.

12. With regard to the camps around Khartoum, as the Representative reported following his first visit, conditions at the camps revealed an unmistakable tension between the range of humanitarian services reported to be provided to the displaced and the obvious resentment the people felt about the inherently degrading conditions of their displacement, far away from home and in relative isolation from the adjacent city. The situation in Abyei, on the other hand, where the people were either indigenous or were displaced but close to their roots further south, contrasted sharply with the conditions in the camps around Khartoum. Although relief supplies

had not arrived because the area becomes isolated from the rest of the country during the rainy season, people had managed to survive through their own resourcefulness by cultivating land within the constraints of the territorial restrictions imposed by the security situation, or by gathering wild food from their natural surroundings, despite the limitations of the war conditions. The critical difference between the settlements around Khartoum and those in Abyei was not so much that the people in Abyei were better provided for, but rather that they enjoyed a minimum acceptable degree of security, dignity and autonomy.

13. Several conclusions emerged from the two contrasting cases which the Representative presented to the Government for consideration and which remain valid today. First, whatever services were being rendered, the location of the displaced just outside the city, where they were neither part of the urban community nor in their own natural setting, was inherently degrading, especially as it was popularly believed that they had been removed in order to "clean" the city and rid it of undesirable elements. Secondly, the physical conditions of the displaced as reflected in their shanty dwellings did not adequately compensate for their removal from the city.

14. The alternative approach which recommended itself was that, security conditions permitting, people should be given the choice to go back either to their areas of origin or to settlements closest to their natural setting, and accorded the protection and assistance necessary for them to resume normal and self-sustaining rural life. Alternatively, those who choose not to go back should be assisted to move freely into any area of the country, including urban centres, and given the necessary assistance to integrate themselves as ordinary citizens. The third alternative proposed by the Representative was that those who choose to remain in the camps should not only be given the services of the kind described to the Representative as necessary, but should also be assisted with materials to build for themselves more appropriate and durable accommodation to help compensate for their isolation from urban conditions.

15. As indicated above, during this last mission, the Representative was encouraged by steps which were being taken by the Government and the international humanitarian community and which went in the general direction of these recommendations. For example, the Representative again visited settlements for displaced persons around Khartoum and also visited Ed Daien, Abyei and Atbara. Although these visits were not extensive, he was able to discern improvements which had occurred as part of an ongoing and at times controversial urban replanning programme around Khartoum. Accompanied by representatives of the Khartoum State Government, as well as the former Minister of Engineering and Housing who, until his retirement a few months prior to the mission, was responsible for the urban replanning programme, the Representative visited areas of Khartoum North, including El Shigla, El Isba, Suk Sita, Karton Kassala, Takamul and Haj Yusef. The contrast between the areas which the former Minister of Engineering and Housing referred to as "treated" and those that were "untreated" was striking. The area of origin of the residents, all of whom were reportedly provided with title to their plots, could be ascertained by the type of housing, as well as the extent of construction. More recent arrivals from conflict areas tended to live in one-room mud housing or basic tukuls in open spaces, and longer-term residents, mostly from different regions of the north, had constructed more substantial housing and fenced compounds. It was evident that the area had been developed and enhanced since the Representative's previous visit in 1992, but that southern displaced populations were still relatively worse off, presumably because they were more impoverished and lacked the resources for self-enhancement.

16. The Representative also visited areas of Omdurman, including Marzuk in Karriri locality, through Dar el Salaam Harras, El Saliheen, Angola, Bank al Ghari Housing Scheme, as well as rather brief tours through Wad el Bashir and Omdurman es Salaam camps. In Marzuk, where little international assistance had been provided for arrivals from the south and Nuba and land allocation processes had not been completed, the living conditions were crowded and very basic. These areas were referred to as being "untreated" by the Khartoum State representatives.

17. The Representative was informed that a planning process was under way in the camps which required residents to be registered and their identity and status checked in order to qualify for land ownership. A survey had also been initiated which demarcated the future locations of the main streets. It was envisaged that all other streets would subsequently be laid out, and that those who qualified for ownership of plots of land would remove their current shelters and reconstruct houses on the new plots according to the regulations and criteria of the Ministry of Housing. It was explained to the Representative that priority is given to married couples with families and claimants must present marriage and nationality documents. While the merits of these criteria are obvious, they could potentially exclude the needy displaced who are not married and those who have lost relevant papers, especially as it is not clear how easily replacement documentation can be obtained. It also raises concerns about access to land by female-headed households, of which there are a significant number and whose humanitarian needs should receive high priority.

18. Although this process commenced in 2000, it was noted that progress to date has been slow. Concerns were expressed also with regard to the implementation of the replanning programme and in particular the fact that it has often been erratic and poorly communicated to those displaced households directly affected by the process.

19. In addition, the Representative was informed that the process is subject to the limitations of Government-owned land, as a result of which an estimated 6,000-7,000 displaced households may be relocated more to the periphery of the current area of Omdurman and will become further removed from access to health care, education, transport, markets and employment opportunities

20. In terms of assisting the displaced to resettle in areas closest to their natural setting, one initiative in which the Representative is himself involved concerns the resettlement of displaced Dinka households from their present locations in northern Sudan to their areas of origin in the district of Abyei. In December 2000, in recognition of his work in raising the consciousness of and mobilizing the international community with regard to the plight of the internally displaced, the Representative was awarded the Peace and Humanitarian Action Prize by the City of Rome. The prize includes an award of US$ 25,000 to be spent on the activity for which the winner is recognized. At the advice of humanitarian agencies operating in the Sudan, the Representative made the award available to support the establishment of a transit centre in Abyei which would, given the significance of Abyei as a meeting ground between north and south Sudan, provide basic services to displaced persons who had either left their homes in the south and were moving to alternative locations in the north of the country or who were returning from the north to their homes in the south. At the annual retreat of resident/humanitarian coordinators in Switzerland in December 2000, in support of this initiative, representatives of the Food and Agricultural Organization of the United Nations (FAO), the Office for the Coordination of Humanitarian

Affairs (OCHA), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), UNDP and the World Food Programme (WFP) each pledged to contribute the same amount to the project.

21. During the mission, the Representative met members of the United Nations country team to review this proposal and to explore ways in which the inter-agency support might be realized. The country team was generally supportive of the proposal and even contributed ideas for broadening its scope beyond a transit centre. At that meeting, an in-country task force of interested United Nations agencies and NGOs was formed and has been developing a project which aims to facilitate the resettlement of Dinka households in their areas of origin in Abyei from their current places of residence in northern Sudan and within a broader peace-building/conflict transformation framework that will benefit the neighbouring ethnic groups to the north and south of Abyei.

22. Previously, there were 23 functioning village councils in Abyei district. However, in the current conflict situation, all civilian populations have either moved into Abyei town or have been displaced, mostly northwards, and their villages destroyed. The displacement has had a severe impact on the local food security situation, as Dinka farmers have been unable to have access to their traditional agricultural land. Moreover, the situation has been exacerbated by tensions between the pastoralist Missereya and Dinka farmers which have at times been fuelled by the distribution of arms to either side by the Government and the SPLA, respectively. The need for reconciliation between the Dinka and the Missereya and support for systems which would lead to cooperation and conflict resolution have become major concerns for the leadership of both communities.

23. Against this background, the project aims, in a pilot stage, to facilitate the rehabilitation of selected communities in Abyei district with a view to creating conditions conducive to the return of Dinka households from north Sudan and to provide support to their return to sustainable livelihoods as well as peaceful relations with the Missereya. A return to the traditional status of Abyei as a peaceful crossroads and enhanced potential to influence the political situation in the Sudan is an underlying objective.

24. After more extensive consultations with Dinka leadership in Abyei and Khartoum, and with NGOs and United Nations agencies, the project will assist a number of households displaced in Abyei to return to their villages, prior to assisting households which had been displaced outside of the Abyei area. Some Dinka households with specific skills in the fields of education and health may also be recruited specifically to return from other areas to the rural areas of Abyei. It is hoped that this would be a more sustainable way to initiate a return programme, and would be a base for further return and resettlement initiatives in the future, which would offer opportunities to displaced households currently in Khartoum and other areas of north Sudan.

25. United Nations agencies and NGOs will provide support for basic services such as health, education, and water and sanitation; food assistance to those returning, including school feeding programmes; capacity-building to support conflict transformation training and awareness-raising

in the target communities; rehabilitation of infrastructure through food-for-work schemes; and undertaking measures aimed at improving food security. For their part, national and local authorities will be required to undertake registration of participants; facilitate their transportation; provide protection as necessary and cooperate in the provision of basic services. In particular, ensuring security will be pivotal to the decision of the Dinka to return and to remain in the area. This may require arrangements involving the parties to the conflict, in particular the Government and the SPLM/A.

26. During the mission, the Representative was also informed of a pilot project for the resettlement of internally displaced persons in South Darfur which has assisted some 600 Dinka households to gain access to agricultural land for the next 20 years and has provided assistance with food security, education, water and health services. It is envisaged that the project will assist a total of 4,000 households when fully funded. The project is supported by the European Commission, UNICEF, WFP, OCHA, Save the Children (UK), Oxfam and the German Development Service (DED), as well as various government departments and ministries.

27. The project was considered to be particularly important in that it represented a much needed shift from an almost exclusive focus on emergency relief and assistance to projects which aim also to assist the displaced in becoming self-reliant. It was remarked by some members of the humanitarian assistance community that the overriding emphasis on pure relief interventions has created a serious dependency syndrome among many internally displaced persons and effectively ignored the reality facing many of the Sudan's internally displaced. Indeed, although the conflict and natural disasters continue to generate new caseloads of displaced persons with severe emergency needs for food, clean water, plastic sheeting, blankets and cooking utensils, there are also extensive areas in northern and southern Sudan where internally displaced persons have been residing continuously for 10 years or longer. Their displacement has had major socio-economic dimensions and implications. It is reported that only a very small number have been able to re-establish their previous social and economic conditions and are today self-reliant. The vast majority have experienced acute impoverishment and loss of livelihoods. They need help to explore and find alternative solutions to their predicament.

28. As one United Nations project document observes, keeping the internally displaced permanently in camps, fully or partially dependent upon humanitarian assistance, "is clearly not a durable option to be promoted by the international community. Yet, this is precisely what has been happening to many internally displaced persons over the past decade."* In this connection, the Representative notes the concern raised in the 2002 CAP that while 61 per cent of the overall needs identified in the 2001 Appeal were met, the funding disparities that were evident in 2000 between the food and non-food sectors have persisted into 2001. Such fundamental needs as household security, nutrition, water/sanitation and education, as well as human rights and peace-building, have all suffered from a lack of adequate funding, which in turn has impacted negatively on the strategic objective of moving vulnerable communities towards a cycle of recovery and rehabilitation.

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* UNDP, Resettlement, Rehabilitation and Reintegration of IDPs, Project document No. SUD/00/001/A/07/UNDP, 17 April 2000, p. 4.

29. Notwithstanding these concerns, the Representative found initiatives taken thus far to be, on the whole, positive. At the same time, however, it is also apparent that they are essentially ad hoc and their effects isolated in the sense that they are not part of a broader and more comprehensive and coherent national policy and strategy for dealing with the displacement crisis, with the support of and in cooperation with the international community. A coherent Government policy and strategy can provide a sound basis for international cooperation to significantly alleviate the plight of the millions of displaced persons in the country and to minimize further increases in their numbers.

30. Indeed, the absence of any single document which articulates the Government's policy and strategy for meeting the assistance and protection needs of the internally displaced was cited by members of the Government and the humanitarian community as a significant problem. The resulting lack of clarity on the Government's objectives vis-à-vis meeting the needs of its displaced citizens, including the lack of a definition, agreed on by all relevant actors, of who constitutes an internally displaced person - with some members of the Government reportedly holding the view that the internally displaced should be considered as economic migrants - precludes the formulation of a common vision, and therefore of a common humanitarian strategy, by the Government and the international humanitarian assistance community. This, in turn, it was noted, serves only to deter donors from funding humanitarian activities in the country more fully.

31. In addition, the problem is further compounded by the absence of a focal point within the Government with express responsibility for the internally displaced. There does exist a Commission of Voluntary and Humanitarian Work (CVHW) at the level of the Khartoum State government and, at the federal level, the Humanitarian Aid Commission (HAC), which is based in the Ministry for International Cooperation. The CVHW and HAC function as the focal points for the humanitarian assistance community, including for those organizations assisting the internally displaced. Despite the existence of these two institutions, the lack of an interlocutor within the Government with specific and express responsibility for the internally displaced was cited by the United Nations country team as a serious problem.

32. However, the Representative was informed by the Khartoum State Minister for Foreign Affairs that a department focusing on internally displaced persons was being established within HAC which would in due course formulate guidelines for programming in regard to the displaced. It was envisaged that this new department would provide the entry point for the international community in dealing with the internally displaced and that it would cooperate with the international community in a spirit of positive engagement.

II. A CALL FOR HUMANITARIAN LEADERSHIP

33. In his discussions with government officials, the Representative emphasized that as the country most affected by internal displacement, the Sudan should take the lead on this issue, first and above all at the national level, in responding to the protection and assistance needs of its own uprooted citizens; and second, at the international level also, in advocating for the cause of the internally displaced of the world. Moreover, the Representative felt that express and enhanced

commitment to the issue by the Government would likely stimulate a similar response from the donor community. In addition to meeting the needs of its displaced citizens, such leadership would significantly enhance the standing and influence of the Sudan in the international humanitarian community.

A. Taking the lead at the national level

34. In terms of assuming a leadership role at the national level, the Representative discussed with the Government the need to develop a national policy and strategy on internally displaced persons, including the establishment of a national focal point and institution with an express mandate for meeting the needs of those affected by the displacement crisis.

35. Members of the Government at all levels expressed support for this approach. Indeed, in discussions with, and at the suggestion of the First Vice-President, it was agreed that the Government would undertake a comprehensive study which would review ongoing government programmes relating to internally displaced persons with a view to developing cooperative strategies in light of the Guiding Principles on Internal Displacement and United Nations institutional arrangements. It was further agreed that the Ministry of International Cooperation would act as the focal point for this study. In a subsequent meeting between the Representative and the Minister of International Cooperation, the Minister welcomed this development and assured the Representative that he would meet with his counterparts in the Ministry for Foreign Affairs in order to develop the modalities of this study.

36. The Representative called on the Wali of Khartoum, as the host of the largest number of internally displaced persons in Sudan, to play an active role in these efforts. The Wali responded positively to this call.

37. In addition to undertaking the comprehensive study, the Representative and the First Vice-President agreed also that the study would constitute one of the main background documents for the envisaged seminar to be convened in Khartoum. As discussed with the First Vice-President, the Minister for Foreign Affairs and the Minister for International Cooperation, it is envisaged that the seminar would provide a forum in which the Government, United Nations agencies, international and non-governmental organizations, the donor community and representatives of the internally displaced themselves could discuss, in a constructive and cooperative spirit, the national response to internal displacement, with a view to developing ways of enhancing that response with the support and collaboration of the international community.

38. Subsequent to the Representative's mission, the Permanent Mission of the Sudan in Geneva requested and received from the Office of the Representative copies of reports of similar such national and regional seminars which have been convened by the Representative in different parts of the world in cooperation with other partners and for which the Commission and General Assembly have expressed appreciation. The Representative also had a very constructive meeting with the Minister for Foreign Affairs in New York to brief him on the results of his mission and to exchange views on steps to be taken to follow-up on the recommendations of the Representative and the agreements reached with the authorities during the mission. The

Representative was most encouraged by the positive attitude of the Minister and his readiness to cooperate with the follow-up activities. This was subsequently reaffirmed by the Permanent Representative of the Sudan to the United Nations in New York and by senior members of his delegation in a letter dated 7 December 2001. The Permanent Representative of the Sudan to the United Nations wrote, "As you know, we are very keen that you carry out your mandate with the full support of all Member States. We have expressed that on various occasions, including during your recent meeting with H.E. Dr. Mustafa Osman Ismail, the Minister for Foreign Affairs, when he was in New York, and we will continue doing so in the future."

39. Developments back in the Sudan following the mission also appear to be encouraging. The Representative was informed in December 2001 that the Peace Unit of HAC has been delegated by the Minister for International Cooperation to act as focal point for the comprehensive study and the development of a national policy on internally displaced persons. The focal point for internally displaced persons in UNDP-Khartoum met with the Director of the Peace Unit and was informed of the steps which were to be taken in this regard and which will commence with the collection of information on existing policies pertaining to the internally displaced from all relevant federal ministries, State governments and departments. On the basis of the information collected, a comprehensive report will be produced and discussed at different levels of the Government. A task force would be established comprising government personnel, practitioners and academics, charged with producing a draft policy document on internally displaced persons which would be discussed at an internal government seminar. At this stage, representatives of United Nations agencies could be invited to assist in further developing the draft policy. The draft policy would ultimately be reviewed at a more inclusive national seminar on internal displacement, which would include participants from the Government, United Nations agencies, NGOs and representatives of the internally displaced. It was envisaged that the information collection and analysis would be completed by February 2002 and that the national seminar would be convened two months later, possibly in April.

40. The Representative was also informed that the discussions with the Director of the Peace Unit also addressed the possible role of the United Nations, specifically UNDP, in supporting this process. While further discussion was required, a number of areas in which UNDP could potentially support the process were outlined, including wide dissemination of the Guiding Principles in Arabic and English and financial and logistical support to the process. In this regard, UNDP has suggested that the process as a whole could benefit from an agreed upon strategy rather than addressing constraints at each step.

41. A noteworthy development, subsequent to the mission, is the adoption by the General Assembly at its fifty-sixth session of resolution 56/175 which welcomes the visit of the Representative, as well as the commitment of the Government to continue its efforts to address the problem of internally displaced persons and to effectively follow-up the visit of the Representative, including by holding a conference on the subject of internal displacement in the near future. In response to this positive reaction of the mission and its results, the Permanent Mission of the Sudan in New York undertook to cooperate closely with the Representative to follow-up on the results of the mission.

B. Taking the lead at the international level

42. Just as the Representative had advocated during his mission in 1992, during the present mission he again pressed the case that as the country in the world most affected by internal displacement, the Sudan could gain much from taking the lead on this issue at the international level also, in advocating for the cause of the internally displaced. It will be recalled that at the time of his previous mission, the Representative noted that the Sudan stood to gain diplomatically from supporting, indeed championing, the initiatives of the international community on the subject of internal displacement. In this regard, the Representative further noted that the Sudanese delegation in Geneva had already advocated the need for the international community to develop instruments and mechanisms for the protection of the internally displaced that would be comparable for those created for refugees after the Second World War (E/CN.4/1993/35, para. 220).

43. As indicated in the Representative's main report to the present session of the Commission (E/CN.4/2001/95), as well as in his previous reports to the Commission and the General Assembly, a major focus of the mandate since its inception has been essentially the question of developing instruments and mechanisms for the protection of the internally displaced. Indeed, when the Commission first requested the Secretary-General to appoint a representative in 1992, one of the tasks with which the Representative was expressly charged was to examine existing international human rights, humanitarian and refugee law and its applicability to the protection and assistance of the internally displaced.

44. As is now well known, a significant development in this regard was the preparation, at the request of the Commission on Human Rights and the General Assembly, of the Guiding Principles on Internal Displacement. Based on the two-part compilation and analysis of legal norms (E/CN.4/1996/52/Add.2 and E/CN.4/1998/53/Add.1) and presented to the Commission on Human Rights in 1998, the Guiding Principles consolidate into one document the numerous norms relevant to the protection and assistance needs of internally displaced persons. Reflecting and consistent with international human rights and humanitarian law, and with refugee law by analogy, the Guiding Principles set forth the rights and guarantees involved in all phases of displacement, providing protection against arbitrary displacement, protection and assistance during displacement, and protection and assistance during return or resettlement and reintegration. They provide guidance to all relevant actors: the Representative in carrying out his mandate; States when faced with the phenomenon of internal displacement; all other authorities, groups and persons in their relations with internally displaced persons; and intergovernmental and non-governmental organizations.

45. In his meetings with government officials the Representative took the opportunity to review the work of the mandate, including the development of the Guiding Principles, copies of which were shared with the officials concerned. The Representative was very much moved by the warm reception given to him by members of the Government and their positive response to his efforts in discharging his mandate, including the development of the normative framework. Indeed, the President, First Vice-President, and Minister for Foreign Affairs, among others, all expressed their support for the Representative as a Sudanese national charged with the responsibility of promoting the cause of the internally displaced populations of the world.

46. The Representative particularly appreciated the initiative of the First Vice-President for the Government to undertake a comprehensive study of the displacement crisis in the country and the ongoing programmes with a view to developing cooperative strategies in light of the Guiding Principles as well as United Nations institutional arrangements.

47. Subsequent to the mission, at the fifty-sixth session of the General Assembly and during the Third Committee's consideration of the draft resolution on internally displaced persons, the representative of the Sudan to the Third Committee expressed concerns that the Guiding Principles had not been formally adopted by an intergovernmental forum, but, in the spirit of cooperation and support for the work of the Representative, agreed to join a consensus in favour of a resolution (56/164) that encourages the further dissemination and application of the Principles, including holding regional and other seminars on internal displacement. In the subsequent meeting with delegations, hosted by the Permanent Representative of Switzerland to promote dialogue between Governments and the Representative of the Secretary-General, the delegate of the Sudan reiterated the support of his Government for the work of the Representative and their commitment to seeking ways of promoting dialogue with a view to reaching a consensus in support of the Guiding Principles, an approach to which the Representative is equally committed.

III. CONCLUSION

48. To conclude, the discussions and agreement reached between the Government of the Sudan and the Representative during this second mission have the potential to make a positive contribution to alleviating the plight of the Sudan's 4 million internally displaced. The steps being taken by the Government subsequent to the mission in terms of preparing a comprehensive study with a view to developing a national policy and strategy on internally displaced persons, which should include the establishment within the Government of a national focal point for internally displaced persons, are much needed and promising. Moreover, the readiness of the Government to discuss the draft policy and strategy at an inclusive national seminar signals a level of commitment which has the potential to translate into a more enhanced response to the needs of the internally displaced. More importantly, given the sheer magnitude of the displacement crisis affecting the country, such a response promises to pool together the resources of both the Government and the international humanitarian community. Beyond the national level, it is strongly recommended that the Government consider assuming a greater role in supporting international initiatives on the internal displacement issue - a move which would not only increase international cooperation on behalf of the needy population of the Sudan, but would also work to enhance the standing of the Government of the Sudan in the international humanitarian and human rights community. Given that the Sudan is the country in the world most affected by internal displacement, such standing could add significant weight to those initiatives and serve to strengthen the response of the international community to this global crisis.

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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on internally displaced persons submitted in accordance with Commission resolution 2001/54

Addendum

Profiles in displacement: Indonesia*

* The executive summary of this mission report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission only.

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Executive summary

Internal displacement is a relatively new phenomenon in Indonesia. Indeed, the displacement crisis, which now affects some 1.3 million people in 19 provinces, should be viewed against the background of the profound changes that the country has undergone since 1998.

The Representative of the Secretary-General on internally displaced persons, Francis M. Deng, undertook an official visit to Indonesia from 24 to 29 September 2001. The main objectives of the mission were to obtain first-hand information on the situation of displacement in the country and to initiate a constructive dialogue with relevant authorities directly responsible for the adoption and implementation of policies and programmes related to the assistance and protection needs of internally displaced persons.

The causes of displacement in Indonesia are complex, but are mainly associated with "vertical" conflicts (i.e. those between the Government and local separatist groups) and "horizontal" ones (i.e. those between religious or ethnic groups). Natural disasters have also played a role.

The Government of Indonesia acknowledges its primary responsibility for addressing the problems of its internally displaced persons, and is working with the international community to put in place appropriate programmes to meet their needs for protection as well as assistance. Also acknowledging difficulties in terms of administrative coordination and responsibility, the Government has recently adopted a national policy which it hopes will guide it to resolve the problem of internal displacement by the end of 2002. In the view of the Representative, that timetable seems unduly optimistic.

The mission of the Representative of the Secretary-General had originally been scheduled to coincide with a seminar on internal displacement in Indonesia. The seminar was held despite the postponement of the mission, and its results were useful to the Representative. One of its main recommendations, and one which received broad support, was for the establishment of a national commission on internally displaced persons and community recovery. The Representative urges the Government to give serious consideration to this recommendation. The seminar also noted the need for improved data collection, compilation and verification at all levels and for a national database on the internally displaced.

NGO and humanitarian personnel should be seen by the Government as allies, not adversaries. They should be able to report human rights abuses to the authorities without having to fear for their own safety. Their physical integrity must be ensured. In this regard, the Representative recalls with sorrow the deaths of three UNHCR staff members killed by militiamen in East Timor. Having expressed concern, along with the Secretary-General, at the light sentences pronounced against the six men found guilty of this crime, the Representative has learned that the Supreme Court of Indonesia increased the sentences of three of them.

The Representative urges the Government to disseminate the Guiding Principles on Internal Displacement, which have already been translated into Bahasa, and to provide training in basic international humanitarian and human rights law to the relevant authorities, their local partners, and the displaced themselves.

In aiding the displaced, the Government should take pains to ensure that they are not perceived by the local communities as receiving favoured treatment.

The Indonesian Commission on Human Rights (Komnas Ham) is encouraged to become a more active partner in the collaborative approach to addressing the needs of the internally displaced.

Given the magnitude of the problem and the resources needed, the role of the international community is crucial. With the Humanitarian/Resident Coordinator as focal point, the international community should expand its assistance programmes while taking into account the concomitant need for protection. A comprehensive strategy in this regard should be elaborated, in concert with the competent Indonesian authorities, which might include the possibility of maintaining a presence in communities affected by or at risk of displacement. The Office of the High Commissioner for Human Rights should consider playing a more active role with regard to the internally displaced in Indonesia, and all international staff should be trained in the use and application of the Guiding Principles, as well as basic international and humanitarian law.

The Government of Indonesia is to be commended for the forthright and resolute manner in which it has acknowledged and addressed the problem of displacement in the country. With the help of the international community, and in consultation with the displaced populations, it is to be hoped that "patterns", or options, proposed in the new national policy will be implemented with full regard for humanitarian values and the principles of international law.

Appendices to the report contain a map of Indonesia, a statistical breakdown by province of internally displaced persons, and the text of the Government's new "National policies on the handling of internally displaced persons/refugees in Indonesia".

Annex

REPORT OF THE REPRESENTATIVE OF THE SECRETARY-GENERAL ON INTERNALLY DISPLACED PERSONS SUBMITTED IN ACCORDANCE WITH COMMISSION RESOLUTION 2001/54

PROFILES IN DISPLACEMENT: INDONESIA

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Introduction

1. Internal displacement is a relatively new phenomenon in Indonesia. Indeed, the displacement crisis, which now affects some 1.3 million people, should be viewed against the background of the profound changes that the country has undergone since 1998. With the resignation of President Suharto (who ruled for 32 years), dramatic events have taken place: transition to a democratic system of government, decentralization, military reform (although the military remains the most influential force in the country), the independence of East Timor, and renewed separatist movements. These major changes, coupled with the 1997-1998 economic crisis and experimentation with a more open society, helped to ignite existing tensions among different ethnic and religious groups throughout the country, which in turn produced major displacement. In general terms, most of the displacement is due to intercommunal, inter-ethnic and/or religious fighting between Christian and Muslim groups. These are referred to as "horizontal" conflicts. However, in the provinces of Aceh and Papua (formerly Irian Jaya), displacement is due to fighting between Indonesian security forces and separatist rebels (GAM-Free Aceh Movement and OPM-Free Papua Movement), who are seeking independence from Indonesia. These are considered to be "vertical" conflicts.

2. The Suharto Government's transmigration programmes (begun in the 1960s) are today a major cause of tension between different ethnic groups. These programmes relocated persons from more crowded islands to outer islands and sought to spread Javanese culture throughout the archipelago and to develop underdeveloped areas. One of their major consequences was to affect the demographic balance between different ethnic groups in different areas and consequently to cause economic and political competition over scarce resources and, ultimately, violence.

3. Perhaps the most outstanding aspect of Indonesia's problems is the size and configuration of the country. The fourth most populous nation in the world, Indonesia contains some 500 ethnic groups who speak over 500 distinct languages and dialects.[1] Internal displacement today affects more than 18 provinces in this expansive archipelago encompassing some 17,508 islands (over 3,000 of which are inhabited).[2] Most of the displacement* is located in the provinces of Maluku and North Maluku (466,409 persons) followed by Sulawesi Island (287,044) and Java (186,806). However, internally displaced persons are also found in West Kalimantan (58,544), on the islands of Sumatra (52,647), Papua (16,600), Riau (3,135) and Bali (2,974). For detailed figures, see paragraph 23 below and appendix 2.

4. Although the response of the Government and the international community varies from province to province and with the nature of the conflict causing the displacement, the conditions of the internally displaced persons in the country are generally reported to be poor. Internally displaced persons living in makeshift camps are in need of shelter, food, medicine and proper sanitation. Long-term solutions are also needed for those living with families and friends. Further, issues of land and property belonging to internally displaced persons need to be resolved. Protection problems need also to be addressed, as they are severe in areas of

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* The figures given are estimates.

intercommunal conflict and where the two separatist movements operate. There is a particularly serious problem of many children lacking documents, which impedes their access to schooling. Other issues involving children are whether food assistance programmes target their particular nutritional needs and whether they are adequately protected from recruitment by armed groups.

5. It was in the wake of the mounting crisis of internal displacement that the Representative of the Secretary-General on internally displaced persons, Francis M. Deng, undertook an official visit to the country from 24 to 29 September 2001. A Human Rights Officer of the Office of the High Commissioner for Human Rights (OHCHR) accompanied the Representative. In the country, the mission was assisted by the Chief and the Deputy Chief of the Office for the Coordination of Humanitarian Affairs (OCHA). Representatives of OCHA Indonesia, as well as representatives of the Ministry for Foreign Affairs and Bakornas PBP,[3] attended most of the meetings and accompanied the delegation to the field.

6. The main objectives of the mission were to obtain first-hand information on the situation of displacement in the country, and to initiate a constructive dialogue with relevant authorities directly responsible for the adoption and implementation of policies and programmes related to the assistance and protection needs of internally displaced persons. The programme of the Representative included consultations with central authorities in Jakarta and with senior government officials with direct responsibility for internally displaced persons. The Representative met with the Vice-President of Indonesia, who also is the Chair of the National Coordination Agency for Disaster Management and the Handling of Internally Displaced Persons (Bakornas PBP), the Coordinating Minister for People' s Welfare, the Minister of National Education, the Minister of Justice and Human Rights, the Minister for Women' s Empowerment, the acting Director General for Political Affairs of the Ministry for Foreign Affairs, the Minister of Home Affairs and Regional Autonomy, the Minister of Manpower and Transmigration, the Director General of Population Mobility of the Ministry of Manpower and Transmigration, the Minister of Health, the Director General for Housing and Human Settlement of the Department of Settlement and Regional Infrastructure, the Vice-Secretary of Bakornas PBP, members of the Coordinating Board for Emergency Assistance and Disaster Relief and IDP Affairs of Bakornas PBP, and technical staff of Bakornas PBP. The Representative also met with the Chairman and one board member of the Indonesian National Commission on Human Rights (Komnas Ham),[4] with the United Nations Humanitarian/Resident Coordinator, the heads of the United Nations humanitarian and development agencies and programmes, and representatives of several donor countries and of national and international non-governmental organizations assisting internally displaced persons. A meeting with the Minister for Foreign Affairs, who had been outside the country during the mission, was held in New York on 15 November 2001, when the Representative shared the results of his mission, in particular his preliminary observations on the situation of internal displacement in Indonesia.

7. Prior to his visit, in accordance with standard practice for his country missions the Representative had requested the Government to allow him to conduct field visits to a number of sites where groups of internally displaced are located. Initially, the Government expressed concern about field visits for various reasons, including the security situation, but eventually agreed to facilitate the Representative's access to one such location, at Pontianak, in West Kalimantan. The visit which took place on 27 and 28 September. In Pontianak, the Representative met with the Vice-Governor and representatives from various government

departments and offices. Separate meetings were also held with the Regional Military Commander of the Indonesian Defense Forces (TNI), representatives of organizations assisting the Dayak and Malay communities, and representatives of international and national non-governmental organizations working in the province. (Although the internally displaced whom the Representative met in the camps were all from the Madurese community, no representatives of this group were included in the meeting organized by the provincial authorities; since the complaints of those present were directed almost entirely against the Madurese, the authorities perhaps excluded them to avoid tension and potential aggravation of the situation.) The Representative visited a temporary camp set up at Pangsuma Sports Hall and barracks in the surrounding area where he had the opportunity to see the living conditions of the internally displaced and to talk with them. Accompanied by representatives of several national and international non-governmental organizations, including individuals who were most vocal on behalf of the displaced Madurese, the Representative visited a relocation site at Sungai Asam where displaced Madurese went to be resettled.

8. The Representative was also invited by Aksara, a research institution in Jakarta, to give a lecture on "The global problem of internal displacement". Participants in this event included academics, representatives of local organizations, students and the media.

9. The Representative also took the opportunity of his visit to discuss with the authorities and other partners the recommendations made at the seminar on internal displacement held in Jakarta on 26 and 27 June 2001. The seminar was co-sponsored by The Brookings Institution - City University of New York (CUNY) Project on Internal Displacement, the Center for Research on Inter-Group Relations and Conflict Resolution (CERIC) of the Faculty of Social and Political Sciences of the University of Indonesia, the National Commission on Human Rights (Komnas Ham), OCHA, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees. The report of the seminar (E/CN.4/2002/95/Add.3) should be read in conjunction with the present report.

10. During his mission to Indonesia the Representative, as he does on all his country missions, emphasized his general approach, which is based on respect for State sovereignty while bearing in mind that the problem of internal displacement is by definition internal, and that it is the responsibility of sovereign States to ensure the security and well-being of all populations under their jurisdiction. At a minimum, States should guarantee the fundamental human rights to physical security and access to nutritional food and potable water, shelter, clothing, and basic health and sanitation services. Governments are expected to invite, or at least accept, international support if they lack the capacity to fully discharge their responsibilities to provide protection and assistance. Based on the twin premises of respect for national sovereignty and the responsibilities that it entails, the Representative's dialogue with Governments and other authorities is intended to be cordial and constructively candid, in pursuit of the common goal of durable solutions to the plight of the internally displaced. It is also in this light that the Representative recommends measures to be undertaken by the national authorities and the international community to address the situation more effectively.

11. At the time the mission took place, the Government was in the process of reassessing the displacement problem in the country and developing a comprehensive policy for addressing the crisis decisively. Although the prospective policy had not yet been fully formulated, it was

widely understood that the Government wanted to end internal displacement in the shortest possible time. The options being considered included: return of the displaced to their areas of origin; facilitating their integration into existing communities; and resettlement of those who wanted to relocate to alternative areas. While the Representative agreed with these options, he emphasized the importance of consulting the displaced persons, in particular to determine their needs and their aspirations, and allowing flexibility with respect to time to allow the appropriate infrastructure to be put in place, whichever option was chosen. The displacement problem can be solved only if safe and sustainable conditions are created and the displaced participate voluntarily.

12. The Representative also stressed the importance of addressing the situation of internally displaced persons in a comprehensive and well-coordinated manner - both at the central and at the provincial/local levels. In a constructive and cooperative spirit, he encouraged the Government to enhance the national response to internal displacement with the support of, and in close collaboration with, the United Nations agencies, international and national non-governmental organizations and the donor community. The Representative also noted that displacement is not only a symptom of the conflicts that generate it, but also of the deeper roots of those conflicts. Lasting and peaceful solutions to the conflicts that underlie the displacement crisis should be found.

13. The present report contains background information about the general situation of internal displacement in the country, information on the response to the problem by different actors in the country, and recommendations by the Representative to improve the response to the needs of the internally displaced population. The Representative trusts that the open and candid dialogue initiated with the authorities on behalf of the internally displaced will continue and will be of assistance to the Government in addressing the situation of internal displacement in the country.

I. CONTEXT AND GENERAL OVERVIEW

14. Indonesia is a large archipelago with a multi-ethnic population. It has the fourth largest population in the world, estimated at 210 million persons. The national language is Bahasa, but several other local languages and dialects continue to be spoken throughout the country. Although it has the largest Muslim population of any country, Indonesia is a secular State and it is estimated that around 30 per cent of Indonesians practise a different religion. The country is administratively divided into 27 provinces, which in turn are divided into smaller administrative regions and village communities (243 districts and 55 municipalities). A major medium-/long-term political and administrative decentralization process, under way since early 2001, aims at providing regional political and administrative autonomy after long years of centralized authoritarian rule. The decentralization process also aims to enhance national unity in a system that is characterized by regional and local diversity. The responsibility for delivering official assistance to the internally displaced persons is also being decentralized and delegated to the regional and local governments.

15. The crisis of internal displacement in Indonesia has emerged mainly during the last three years, as a result of major political, economic and social changes following the resignation of President Suharto in 1998 and the independence of East Timor, which the Representative

visited in 2000 (see E/CN.4/2000/83/Add.3). It is against this background that the country has also seen renewed separatist movements in Aceh and Papua and a series of interreligious and inter-ethnic conflicts that have erupted in several parts of the country, causing the displacement of a large number of people.

16. The causes of displacement in Indonesia are complex but are mostly associated with conflicts which are usually classified as "vertical" or "horizontal" conflicts. Vertical conflicts are those between the Government and local separatist groups, such as in Aceh and Papua, and horizontal conflicts are between different religious or ethnic groups, such as in the Malukus, West and Central Kalimantan, Madura and Sulawesi. In addition, natural disasters have also caused displacement in at least two provinces, North Sumatra and North Sulawesi.

17. The origins of intercommunal conflict in Indonesia go back in some cases to the Government's earlier transmigration policy that aimed at "improving the welfare of the transmigrant and neighbouring communities, increasing and equally spreading the development in the region and strengthening the national unity".[5] From 1950 to 1994, the transmigration programme moved more than 6.4 million people from heavily populated islands like Java, Bali and Madura to less populated islands like Sumatra, Kalimantan, and Irian Jaya.[6] Financially supported by the World Bank the transmigration programme offered landless families attractive packages that included a plot of land, housing facilities, seeds, fertilizer, farming implements, food for a certain period of time and other benefits.

18. While this voluntary resettlement programme had some positive results, it also created socio economic and political differences between the resettled and local populations, who were often of different ethnic groups and religions, generated conflicts over land and other natural resources and damaged the environment. In other places, conflicts arose from competition between powerful political and economic groups in which religious differences were used to spread distrust between different ethnic and religious groups. Indeed, passive prejudice was transformed into violent aggression, exacerbated in the Malukus by the fundamentalist armed group, Laskar Jihad, characterized by strong feelings of intolerance towards members of other groups. Conflicts overflowing from other regions seem also to have exacerbated some of the intercommunal conflicts.

19. Vertical conflicts between separatist groups and the military in Aceh and Papua have been accompanied by especially severe human rights abuses and indiscriminate attacks against the civilian population, which often is caught, or fears being caught, between the various warring parties. In Aceh in particular, the military has been criticized for use of disproportionate force and abuses against civilians, especially after its soldiers have been attacked. On the other islands the military and the police have been criticized for their inability to stop the violence between ethnic and religious groups, for taking sides with one group or another, as in the Malukus, and for failing to prevent displacement. There have also been allegations that the army, long the most powerful force in the society, has been fomenting a climate of unrest throughout the country in order to demonstrate the need for a strong military to restore order and to influence the debates on reforming the army and limiting its role and functions.[7] Control of natural resources in some provinces has also been a cause of clashes between the Government and local groups and between groups, in particular between transmigrants and the local population.

II. NUMBER AND CONDITIONS OF INTERNALLY DISPLACED PERSONS

20. Both official and United Nations figures record a rapid and disturbing increase in the number of internally displaced persons in recent years. According to official data,[8] the estimated number of displaced persons in the country is 1,337,503 persons (286,944 households). Most of the 27 provinces are affected. On 8 September 2001, the World Food Programme had on its register of beneficiaries of assistance, 1,317,234 internally displaced persons, some 38,580 more than a month earlier. Of the 1.3 million internally displaced persons, 750,000 are estimated by the United Nations to be under 18 years of age.[9] Although data disaggregated by sex or age are not available, it is thought that the vast majority of the internally displaced are women and children.

21. The United Nations estimates that only 50 per cent of internally displaced persons live in camps or shelters while the other 50 per cent live either with host families or have found their own accommodation. In Indonesia, local communities very often provide mechanisms for looking after the most vulnerable.[10] Although the Representative did not visit internally displaced persons residing in private accommodations, the prevailing view is that there is an equal need for such persons and their host families and communities to receive assistance.

22. The registered internally displaced persons fall into four main categories: those displaced by natural disasters (North Sumatra, North Sulawesi); those displaced by religious conflicts that erupted into violence (the Malukus, Central Sulawesi); those displaced by ethnic conflicts that turned violent (Central and West Kalimantan); and displacement with separatist movements (Aceh and Papua) (see appendix II). These affected people all fall within the definition of internally displaced persons as set forth in the Guiding Principles on Internal Displacement: "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border".

23. Despite the lack of detailed information and the opportunity to visit camps throughout the country, it is clear to the Representative that the living conditions of the 1.3 million internally displaced persons in Indonesia can be very hard. Very often they face deprivation and hardship, and in areas inaccessible for security reasons, malnutrition and disease have been reported. In some cases, the displaced face discrimination. Having lost most of their possessions and their sources of income, they often find themselves with limited - if any - opportunities for income-generating activities. In some places, especially where resources have been strained, they have begun to be stigmatized by local populations as problematic social groups, "lazy" and dependent on government and external aid.

24. Although assistance to the internally displaced persons varies from province to province, in general, it is believed that many displaced have at least at some point benefited from some emergency food and shelter, some essential medical services, potable water, sanitation services, clothing and other non-food items, provided in part by the Government and in part by national

and international humanitarian organizations. In some areas of the country, internally displaced persons have also received assistance for their relocation in new residential areas in the form of construction materials and assistance. Indeed, until December 2001, the Government had a policy of providing internally displaced persons with a daily subsistence allowance in cash of Rp 1,500 (equivalent to about US$ 0.14)[11] and 400 grams of rice per person per day.[12] However, in Pontianak, internally displaced persons told the Representative that the payment of their daily subsistence allowance in cash had been delayed for several months. Local officials later confirmed this. In other cases too, aid did not always seem to reach the displaced. The Representative was alerted to the fact that there were often considerable gaps between official reports about conditions and the reality faced by the internally displaced. In North Sumatra, where OCHA carried out a fact-finding mission in November 2001, more than 49,000 Javanese displaced from Aceh were scattered throughout the province in camps, rented houses and host communities. Water, sanitation and health services were reported to be in critical condition. Most displaced children could not attend school because of high tuition fees. Government assistance was reportedly limited, and no international humanitarian agency is present there.

25. In Pontianak, approximately 58,544 persons (11,255 households) of Madurese origin from Sambas, had been displaced for about two years. Ethnic clashes between Madurese, on the one hand, and Dayaks and Malays, on the other, seemed to have arisen from the earlier transmigration policy and to have descended into some of the worst violence and atrocities. The Muslim transmigrants from Madura were seen as having been economically favoured over the native Dayaks, who are Christians. The conditions of most of the internally displaced living in camps in Pontianak were difficult. As noted above, the displaced in these camps told the Representative that they had encountered delays in the distribution of their allowance money and that they very often faced obstacles in accessing basic services. The Representative was able to see the resourcefulness of the internally displaced persons in Pontianak. Even when government assistance was not regularly made available, they managed to find jobs nearby and to subsist on their own income.

26. The protection concerns of the internally displaced living in camps in West Kalimantan were also brought to the attention of the Representative. In a number of instances, the displaced Madurese had been threatened by local people. The Representative was also informed by the authorities that the security conditions would not allow the internally displaced Madurese in West Kalimantan to return to their places of origin, and that the authorities had therefore identified a place for their relocation, which would be completed by the end of December 2001.

27. Relocation, however, also raised problems, in particular, concerns about forced relocation. The Representative urged the relevant authorities to ensure that the internally displaced would be consulted and relocated only on a voluntary basis. The Representative visited the proposed relocation site in Sungai Asam and found conditions to be harsh. Small wooden houses, a school and a police post had been built by a private contractor on land that was mostly covered with large tree stumps. The clearing of the land would require heavy machinery, but there were no current plans to make such machinery available to those being relocated. The soil was not ready for farming, even though some families who had already moved there had attempted to grow corn. Access to the site was only by boat, an issue that raised valid concerns

for the internally displaced. Several explained to the Representative that they did not want to go to that site because they would not be able to continue their current economic activities. This was important to them because it had been made clear that they would only receive government assistance for a short time. Some non-governmental organizations told the Representative that they had had consultations with the local authorities on behalf of the affected internally displaced communities and, as a result, the Government had agreed to look into a subsidized transportation system, as well as the provision of land titles. Information received at the time the report was being completed indicates that the Government had offered a one-time payment of Rp 2.5 million (about US$ 250) in cash, in addition to a house and a plot of land, to those who agreed to move to Sungai Asam and a one-time payment of Rp 5 million (about US$ 500), to those who agreed to move to other, unspecified areas.

28. In other areas, especially in the provinces affected by separatist conflicts, the Representative was informed that humanitarian assistance was often impeded by the lack of minimum security conditions and of access to displaced populations by humanitarian organizations. Indeed, access to most conflict areas is limited or non-existent. The Indonesian Red Cross (PMI), with the support of the International Committee of the Red Cross (ICRC), is one of the few organizations that has access to Aceh and Papua and is providing humanitarian assistance, helping with the reunification of separated family members and, at times, evacuating civilians to safe places. Humanitarian staff have also been harassed in some areas where security forces are reported to view humanitarian organizations working in conflict areas, as well as the civilian population, with suspicion and distrust. A clear example of the risks involved is the incidents that occurred in Atambua, West Timor, where three UNHCR staff were killed by East Timorese militiamen in September 2000. The United Nations subsequently withdrew all its staff and, at the time of the mission, security conditions that would enable the United Nations to consider redeploying its staff had not been met.

29. Since the Representative's mission, the number of displaced persons has increased because of ongoing conflicts. In Central Sulawesi, for example, fighting between Muslim and Christian groups in November 2001 reportedly resulted in the deaths of at least seven people, the destruction of hundreds of houses and the displacement of at least 10,000. The troops and police deployed to the area failed to halt the violence, which involved at least 1,000 armed persons. Owing to the security concerns, the distribution of food and cash was delayed, although the ICRC managed to distribute medical supplies through the local hospital. In Aceh, too, the security situation continued to deteriorate at the end of 2001.

30. Several other serious incidents have also occurred in other provinces and reports indicate that there are official plans to increase significantly the military presence in Aceh, Papua, Maluku, North Maluku, Kalimantan and Atambua. In December 2001, President Megawati Sukarnoputri expressed fear about the possible "break-up" of the nation. This might have the effect of encouraging the army to adopt tougher measures that could endanger respect for human rights. Indeed, plans for increased military presence have raised serious concerns about the manner in which conflicts among ethnic groups will be resolved, the treatment of civilians, and the extent to which internally displaced communities will be protected.

III. GOVERNMENT POLICY AND ASSISTANCE PROGRAMMES FOR INTERNALLY DISPLACED PERSONS

A. The role of Government and State institutions at the central and regional/local levels

31. The Government of the Republic of Indonesia recognizes its responsibility to provide assistance to internally displaced persons and has expressed a commitment to doing so. Several government officials emphasized to the Representative the need to provide assistance to those affected in a manner that does not create long-term dependency and drew his attention to a new policy which was then still being developed (see below). They also informed the Representative of the Government's commitment to put an end to the problem of displacement by the end of the year 2002. Officials consulted, in particular the Vice-President, invited the Representative to share his views about the situation in light of the anticipated policy, and to offer ideas on how the Government might address the problem. Given the increasing number of internally displaced persons in the country, the fact that the causes of displacement continued to be largely unaddressed and that there were no effective structures to deal with the problem, the Representative, while expressing appreciation of the goal of ending displacement, saw the target date as unrealistically ambitious.

32. The Representative strongly encouraged all relevant actors to define a clear policy to address the complex problems of internal displacement based on humanitarian and human rights standards, with due regard to the views of the internally displaced themselves. He advocated the use of the Guiding Principles on Internal Displacement, already available in Bahasa Indonesia, as a reference or framework for responding to the needs of the internally displaced and suggested that legislative, administrative and practical measures to give effect to the applicable international norms at the national level be adopted. The Government's interest in putting an end to the displacement problem in the country would only become reality if appropriate conditions were created for the displaced to return to their areas of origin, resettle in alternative areas, or integrate into the communities in which they were currently residing. These efforts should be combined with conflict prevention and conflict resolution initiatives at the community level and with effective medium- and long-term development programmes that aim at restoring self-reliance and the sense of dignity for the displaced.

33. In his discussions with national and provincial authorities, the Representative further emphasized the need to combine humanitarian assistance with protection, in particular of women and children. The violent clashes in Central Sulawesi between Muslim and Christian groups, for example, brought home once again the urgent need to ensure security guarantees and protection for the civilian population and to address the causes of the conflicts.

34. Various ministries and departments at the national and local levels reported that they were providing extensive assistance to internally displaced persons. Government departments implementing assistance programmes for the internally displaced include: the Department of Social Affairs, the Department of Health, the Department of Housing and Regional Infrastructure, and the Department of Manpower and Transmigration. There was, however,

general acknowledgement that there were serious gaps in performance, and that to address the problem in a more comprehensive and coherent manner the authorities needed to develop their capacity and expertise. The Government's response to the problem has been described as "complex and confusing", with a wide array of ministries and departments playing a role. The Government's national-level reorganization and a decentralization of power to the local level are adding to the lack of clarity regarding institutional responsibility and to existing problems of coordination.

35. National authorities cited the need for additional funding to cover more than the essential needs of the internally displaced. While exact figures were not available, a large percentage of the assistance to the internally displaced is reported to come directly from the Government's own resources, representing an important financial commitment at a time of regional economic crisis. The assistance provided by humanitarian organizations and the international community, albeit limited, is therefore greatly appreciated. United Nations agencies report that the assistance from national/international humanitarian and development organizations and from bilateral donors represents approximately one tenth of the overall assistance provided to the displaced. Several representatives of these organizations expressed their concern about the lack of a more coordinated approach and an official policy to address the problem of internal displacement.

36. The anticipated government policy on internal displacement was adopted not long after the conclusion of the mission (see appendix III). The policy statement addresses internally displaced persons and refugees (pengungsi)[13] jointly and it is not clear whether the differences between these two categories are recognized. The policy statement acknowledges that efforts to provide adequate solutions to the large problem of displacement in the country have not been successful; that the causes of displacement are linked to economic, cultural, political, security and social issues; and that coordination has been poor. Concrete proposals to "accelerate" the handling of the problem of the internally displaced and refugees focus on three "consecutive priority patterns", which implies their order of implementation:

(a) Pattern 1 (Return) - the uprooted are provided assistance and protection to return to their normal life. Returning to normal life, according to the policy, would mean that the displaced are assisted and protected in their attempt to return in peace. The "strong willingness" of the displaced themselves is stipulated as a necessary condition, and so is the readiness of the local communities to accept the returnees. Government officials are expected to facilitate the process by ensuring "security and comfort" reinforced by efforts of reconciliation. The required funding includes "stimulant assistance" to every returnee to renovate facilities and start a new life. The return process is to be implemented by the Ministry of Social Welfare and the local government.

(b) Pattern 2 (Empowerment) - provides the displaced with the opportunity to start a new life within an existing community, assisted and facilitated by the Government. This may take the form of employment, development of skills, or provision of capital to enable the displaced to "stand on their feet", in other words, to be self-reliant. The implementing agencies are the State Minister for Cooperatives and Small-Medium Enterprises, the Ministry of Manpower and Transportation and the local government.

(c) Pattern 3 (Resettlement) - by "insertion or local transmigration", the displaced are resettled on a new site. It is recognized that this will require a significantly higher budget to clear the land, build houses and public facilities, provide farming tools and equipment, and allocate a subsistence allowance for a specified period of time. The support of agriculture or plantation programmes is seen as particularly promising for the future of the displaced. The implementing agencies are the Ministry of Manpower and Transportation, the Ministry of Housing and Regional Infrastructure, and the local governments.

37. The Government expects these policies to be implemented with the assistance of several countries, international organizations, and United Nations agencies, which have already expressed their willingness to contribute. The "handling" of the problem is "expected to be completed" by the end of 2002. The programme is the responsibility of the governors of the affected provinces with technical coordination at the national level.

38. The information was shared with the Representative that responsibility for the overall coordination of related activities is formally to be assumed by the Coordinating Minister for People's Welfare through Bakornas PBP; the delivery of assistance to internally displaced persons in the provinces will be carried out by the Executive Coordinating Units for Disaster Management and the Handling of Internally Displaced Persons (Satkorlak PBP), which are headed by the respective provincial governors, and in the regencies or districts by the Executive Units for Disaster Management and the Handling of Internally Displaced Persons (Satlak PBP), headed by the respective regents/majors.

39. Notwithstanding the expansion of the mandate of Bakornas PBP to assist internally displaced persons early in 2001, concerns were raised by several representatives of the international community about the lack of an official institution with sufficient authority and direct responsibility to develop effective policies for the delivery of assistance to the internally displaced in a coordinated and comprehensive manner. It was also the impression of the Representative that at the time of the mission, there was a general lack of understanding of government policy on the part of the technical staff of Bakornas PBP - an aspect that is expected to change now that it has been formally decided that the implementation of the new policy falls under the direct responsibility of the Coordinating Minister for People's Welfare. Local actors consider the capacity of Bakornas PBP to assume its new responsibilities limited and in need of strengthening. They also consider it limited in its capacity to collect information and produce disaggregated data - in particular data on internally displaced women, children, and other groups with special needs, which would be a useful tool for policy-making and programming. As concerns the delivery of humanitarian assistance to internally displaced persons, there has been some cooperation between local officials and humanitarian organizations, but there has been less coordination of efforts between Bakornas PBP and the international community. Strengthening this coordination will need to be explored within the framework of the recently adopted policy.

40. It should also be noted that the Government of the Republic of Indonesia adopted in June 1998 a national human rights plan of action as a follow-up to the World Conference on Human Rights held in Vienna in 1993. The plan expresses the commitment of the Government to the promotion and protection of the human rights of the people of Indonesia, and it was

adopted almost at the time when the phenomenon of internal displacement began. Internally displaced persons, however, have so far not benefited from activities envisaged in the plan, including the ratification of international human rights treaties and the promotion of a culture of human rights through training and information activities. In the same way, internally displaced persons seem not to have directly benefited from the activities carried out by the Indonesian National Commission on Human Rights (Komnas Ham), which is mandated to investigate allegations of human rights violations and has been involved in the investigation of incidents in which the outbreak of violence resulted in deaths and destruction of property, such as those that occurred in Papua on 6 and 7 October 2000. On that occasion the Commission publicly reported its findings and urged the relevant authorities to ensure the respect for human rights by parties to the conflict, and called for the prosecution of those responsible in accordance with the law. Komnas Ham has also been involved in conflict-resolution initiatives at the local level.

B. The role of the international community

41. In the text of the recently adopted national policy, the Government acknowledges the willingness of the international community to assist in addressing the problem of internal displacement; however, consultation mechanisms to explore avenues of cooperation have, so far, not been put in place. The role played by the international community, in particular the United Nations, in establishing an effective dialogue with relevant authorities to respond to the needs of the internally displaced has been very limited, even though a variety of humanitarian organizations are directly engaged in the delivery of assistance to the internally displaced in different parts of the country (see below on the 2002 Consolidated Inter-Agency Appeal for Indonesia).

42. Assistance provided by international organizations for internally displaced persons includes emergency relief, food, shelter, facilitation of basic health services, empowerment initiatives, infrastructure, agriculture, education and training in technical skills, reproductive rights and HIV/AIDS information campaigns, peace and reconciliation efforts, environmental and development projects, economic activities and other initiatives. Several humanitarian organizations are also engaged in assisting local initiatives likely to produce durable and sustainable services and in efforts to strengthen local NGOs, local authorities and communities.

43. OCHA has the responsibility of supporting the United Nations Humanitarian Coordinator in conducting humanitarian assessments and coordination functions in responding to humanitarian emergencies. One of the initiatives it has undertaken has been the collection of data and information on the conditions of internally displaced persons in several provinces and in Jakarta. Based on this information, as well as other sources, OCHA produces a weekly situation report, which includes general information on various provinces and a summary of the main assistance provided by humanitarian agencies. These reports, which have become an important early warning and contingency planning tool, are disseminated among relevant humanitarian actors at the national and international levels and can be found on the OCHA web site (*http://www.ocha.org*) or through the relief web site (*http://www.reliefweb.org*). OCHA also plays an active coordinating role among United Nations agencies, and with NGOs, the Red Cross movement, the Government of Indonesia, donors, and other members of the humanitarian community with regard to the internally displaced. In 2001, it sent at least two missions to

Kalimantan to look into the impact of the Dayak-Madurese conflict, particularly as it related to internally displaced persons. In addition to the Jakarta-based office, for the year 2001/2002, OCHA has identified the need to establish or maintain a field presence in Aceh, Ambon, Ternate, Kupan and Jayapura, mainly to facilitate the coordination of the humanitarian assistance, but also to conduct regular monitoring of the humanitarian situation through routine assessments.

44. Most important is the elaboration of the 2002 Consolidated Inter-Agency Appeal for Indonesia focused on internally displaced persons and host communities. Indeed, the recent consultative process for the Appeal, which was coordinated by OCHA, presented an important opportunity for international non-governmental actors and relevant government authorities to coordinate their efforts to improve local services at the community level. The 2002 Appeal contains programmes for displaced persons uprooted by conflict from the provinces of Aceh, West Kalimantan, Central Kalimantan and Madura, Central Sulawesi, Malukus and Papua and for their host communities. Given the tensions between internally displaced populations and their host communities in a number of areas, the broad focus of the Appeal is valuable. The Appeal also includes initiatives for contingency planning in case of future emergency situations in areas with ongoing conflicts. The 2002 Appeal, totalling about 41 million dollars to assist the 1.3 million displaced persons includes programmes to be implemented by 7 United Nations agencies (FAO, OCHA, UNDP, UNFPA, UNICEF, WFP and WHO) and 10 international NGOs (Save the Children UK, CARE International Indonesia, Church World Services, Consortium for Assistance to Refugees and the Displaced in Indonesia, World Vision International - Indonesia, Health Net International, International Catholic Migration Commission, International Relief and Development, Mercy Corps, International Medical Corps). Previous appeals focused on specific crises in Indonesia, such as for East Timorese refugees in West Timor (June 2000) and for internally displaced in the Malukus (April and November 2000). A separate appeal, for about 43 million dollars to cover the needs of the refugees in West Timor, was also issued by the Government, in collaboration with eight United Nations agencies and the International Organization for Migration (IOM). The International Federation of Red Cross and Red Crescent Societies also issued an appeal early in December 2001, which includes assistance for victims of violence, especially displaced and resident populations whose livelihoods or family contacts have been disrupted by fighting.

45. The Appeal document makes reference to the fact that both the Government and the international community recognize the lack of national capacity and resources to respond adequately to the problem of internal displacement, as well as to the need for a more comprehensive and coordinated approach.

46. The Representative was pleased to see important protection initiatives included in the Consolidated Appeal, such as a programme to strengthen the local capacity for the protection of children's rights in five provinces which would be implemented by UNICEF in cooperation with an umbrella organization and with the active participation of children throughout the planning and implementation process. Another important initiative is an advocacy campaign to raise awareness in risk areas to the dangers of trafficking in women and children, which is aimed at sensitizing government officials, religious leaders, community workers and social workers. In addition to emergency relief assistance and basic services such as shelter, health care, non-food items, safe water, sanitation and education, other initiatives to be carried out include

peace-building and conflict resolution activities, life skills education for internally displaced children, training of child's rights advocates, increasing self-reliance of vulnerable groups, HIV/AIDS awareness, and access to reproductive health services and information. However, the protection activities envisaged as part of the comprehensive strategy of the Consolidated Appeal amount to only 1.71 per cent of the overall request, and focus primarily on children.

47. This makes OCHA's support for outreach programmes to publicize the Guiding Principles on Internal Displacement and the *Handbook for Applying the Guiding Principles*, both of which have been translated into Bahasa, particularly important. The actual campaign will be carried out by OXFAM and the local Indonesian organization Baris Baru. Its objective will be to increase the visibility of the rights of the internally displaced and the obligations of Governments towards these populations, and to promote dialogue on humanitarian norms and principles among local government officials, NGOs, media, internally displaced persons and host communities.

48. At present, UNHCR is currently not involved in assisting or protecting internally displaced persons in Indonesia. Yet, the large and growing number of internally displaced persons in the country and the organization's mandate to protect uprooted populations could justify its involvement, as has been the case in other parts of the world. The explanation for its not getting involved seems to be the lack of an explicit request to the organization by the Government or by any United Nations organ. Nonetheless, UNHCR is engaged in an important and directly relevant training programme on humanitarian, human rights and refugee law aimed at law enforcement officials.

49. OHCHR had been engaged in providing technical assistance to the Government of Indonesia, within the framework of the Government's National Plan of Action on Human Rights.[14] Of the international organizations on the ground, protection issues fall to ICRC, which is active in Aceh, UNICEF, which has programmes planned for the protection of children and women, and the Humanitarian/Resident Coordinator, who should serve as the focal point to promote both protection and assistance for internally displaced persons.

IV. CONCLUSIONS AND RECOMMENDATIONS

50. The displacement situation in the Republic of Indonesia, the current problems facing the displaced populations, how these problems are being addressed, and the challenges confronting the country in addressing the displacement crisis are compounded by the fact that the crisis of internal displacement is relatively new to the country. It is a problem of significant magnitude and complexity, owing to the number of different situations of internal displacement. There are obvious differences in the challenges posed by "vertical" conflicts and "horizontal" conflicts, the consequences resulting from them, and the response to displacement resulting from these two types of conflict varies with the context. In the horizontal conflicts, to which the Representative had some access, it can be said as a general comment that the Government recognizes its responsibility for assisting its displaced populations, with the cooperation of the international community, although access to the displaced population is sometimes a problem and protection concerns are not adequately addressed.

51. With the Government recognizing its responsibilities and inviting or welcoming international assistance - the effect of combining respect for national sovereignty while affirming the responsibilities implied by State sovereignty - bona fide comments and recommendations should be seen by the Government and all concerned as honest and constructive efforts to facilitate international cooperation towards the shared objective of assisting and protecting the needy populations of Indonesia. The comments and recommendations offered in this concluding section of the report largely build on the observations and findings of the Representative's six-day mission. The time constraint necessarily limited the scope and depth of understanding of a situation widely acknowledged to be very complex. It is to be hoped, however, given the intensity of the discussions held during the mission and the comparative background supplied by the displacement situations previously studied by the Representative, that these conclusions and comments may assist in the collective task of seeking appropriate solutions to the displacement crisis in the country.

52. The specific challenges confronting the Government of Indonesia and its national and international partners are how to respond to the current needs of the internally displaced populations while accelerating the implementation of its policy, which aims at ending the displacement problem altogether by the end of year 2002. Both present daunting difficulties that will demand a great deal of coordinated actions from both the Government and its partners.

53. Although, as noted above, the Representative was unable to visit the areas of "vertical" conflicts in Aceh and Papua and visited only one of the areas of "horizontal" conflict, judging from other situations where Governments are confronted with insurgents demanding various forms and degrees of autonomy, or full independence, the challenges presented by these two sets of conflicts vary significantly. In localized, horizontal conflict between different ethnic and religious groups, the Government has the potential to play the role of a neutral and moderating factor, which could ensure an even-handed provision of protection and assistance. Displaced populations caught in the cross-fire of conflicts between the Government and insurgents, however, face serious problems of assistance and, especially, protection, since they are liable to be viewed with suspicion by both parties to the conflict and access to them denied to humanitarian assistance organizations. The concerns of the displaced in these areas are especially compelling and need to be addressed in accordance with humanitarian law.

54. But even in horizontal conflicts, security forces may be too influenced by the identity dynamics of the conflict to maintain strict impartiality. It is critical for national military and police forces to provide protection for all civilians, and in an even-handed manner. In addition, adherence to strict discipline in the security forces and decisive and firm and sustained action against impunity should be high priorities.

55. While the internationally accepted standards for protecting and assisting displaced populations are enshrined in various international instruments, the Guiding Principles on Internal Displacement were developed to focus on the specific needs of the displaced and to guide the actions of all concerned in providing them with protection and assistance. Their dissemination, promotion and application should therefore be a central element in the response to the crisis.

56. Initially, the mission of the Representative of the Secretary-General was planned to take place in conjunction with a seminar on internal displacement in Indonesia. Although the mission had to be postponed because of compelling and unavoidable circumstances, the seminar was held as scheduled. The mission benefited considerably from the results and recommendations of the seminar.

57. A major recommendation of the seminar was for the creation of a national commission on internally displaced persons and community recovery. The commission would bring together representatives of civil society, non-governmental organizations and international organizations to work in collaboration with Bakornas PBP, the government agency responsible for the displaced. During the mission, it was explained to the Representative that the creation of such a commission was still under consideration, would have to wait until the Government's own structures had been consolidated within the emerging policy. Given the wide support the idea initially received, including from elements in the Government, the recommendation merits further consideration. In the interim, the Government could consider the establishment of national and provincial institutional mechanisms, in the form of commissions or committees composed of government officials working in close collaboration with the authorities directly responsible for internal displacement at the national and provincial levels, including those responsible for security matters and, of course, with representatives of Bakornas PBP, Satkorlak PBP, as well as the Indonesian National Human Rights Commission. Such commissions or committees should work together with non-governmental groups, international organizations and displaced communities. These bodies could greatly assist in the monitoring of developments in conflict areas, address security concerns and facilitate the granting of safe access to internally displaced persons by humanitarian workers.

58. Another issue highlighted by the seminar, and which remains a priority, is the need for a more systematic way of gathering and managing information on internal displacement throughout the country. The seminar recommended that guidelines be developed to strengthen and improve the collection, compilation and verification of data on internally displaced communities and others in need. It also recommended that the Government consider designating information focal points at the provincial, district and sub-district levels (Satkorlak, Satlak and Kecamantan) and at the national level (Bakornas PBP). The national-level focal point would compile the data from various levels of government and create an overall picture of the situation of internal displacement in the country. Given the central role of Bakornas PBP, it could assume the national responsibility for improving efforts to gather data and, in particular, the establishment of a central information bank on the internally displaced, with particular attention to women and children.

59. Providing protection and assistance to the displaced in the politically sensitive areas of "vertical" conflict calls for particular vigilance on the part of the authorities. Initiatives to ensure the protection of the displaced as well as the affected local populations in these areas are needed. In addition to expanded access by humanitarian agencies and workers to the people at risk, the seminar called for the establishment of "peace zones", or, alternatively, the negotiation of "safe passages" or ceasefires.

60. The task of providing protection and assistance to the internally displaced is a challenging one that calls for collaboration among many actors. Experience in other countries has demonstrated that in armed conflict situations where Government and intergovernmental agencies have little or no access, the role of non-governmental organizations becomes critical. Representatives of these organizations, by virtue of their close contact with the displaced populations, are well placed to document and report on violations of human rights and humanitarian principles. Consequently, it is important to maintain close consultations and partnerships with NGOs at both the central and provincial/local level, in particular for the planning and delivery of assistance. Indeed, in problem areas the Government should allow for, and encourage, the presence of international organizations and NGOs that can, sometimes by their mere presence as witnesses, sometimes offer protection. Ironically, however, such staff are often targeted by both sides to the conflict. One recalls with sorrow the killing of UNHCR staff in East Timor by "militias". In order to deter such acts the Government should effectively prosecute those who commit abuses against humanitarian workers. The initial sentence of 10-20 months given to the six East Timorese militiamen reportedly involved in the killing of the UNHCR staff occasioned strong expressions of concern from the United Nations Secretary-General, with which the Representative concurs.[15]

61. Humanitarian actors should be seen, and should see themselves, as allies rather than adversaries. Representatives of NGOs should be encouraged to report violations of human rights to the authorities and seek remedial responses and preventive measures against further violations without fearing repercussions. Indeed, it should be understood that if national authorities are not responsive to their concerns, human rights and humanitarian personnel will bring violations to the attention of the international community, including through established international human rights mechanisms.

62. The existence of accepted normative standards for protecting and assisting the affected populations should guide and reinforce the adoption of appropriate policies, strategies and action programmes on their behalf. The Guiding Principles on Internal Displacement have been widely accepted as persuasive norms. Although themselves are not legally binding, they restate existing principles of humanitarian law, human rights law, and analogous refugee law applicable to the internally displaced. A number of countries affected by the problem of internal displacement have adopted legislative, administrative and operational measures in accordance with the Guiding Principles and relevant international instruments. It is recommended that the Government of Indonesia provide training in the Guiding Principles, which are already available in Bahasa, and in basic international humanitarian and human rights law for the displaced themselves, for the relevant authorities, including law enforcement and military forces, and for local partners. The Guiding Principles should further be studied by the Government as a framework for policy and law in Indonesia. The Jakarta seminar held before the mission called for the wide dissemination and use of the Guiding Principles as a framework for the Government and all those involved with protecting and assisting the internally displaced.

63. An obvious point, which the Representative has repeatedly emphasized, is that while the internally displaced are a particularly vulnerable group by virtue of having been uprooted, protecting and assisting them should not be perceived as favouring them over other populations in similar situations. On the contrary, the internally displaced represent a microcosm of the

wider community affected by the same circumstances - internal conflicts, communal violence and gross violations of human rights. It is therefore important to cater not only for the needs of the displaced, but also for those of the host communities, host families and others in comparable situations of need. Failing to do so can only cause jealousies and conflicts.

64. It is also important to realize that the collaborative approach to addressing the needs of the internally displaced calls for cooperation among various governmental, quasi-governmental and non-governmental agencies within a country. In this connection, the Indonesian Commission on Human Rights (Komnas Ham), whose Chairman and one member of whose board the Representative met, should begin to pay particular attention to the situation of internally displaced persons and the needs of civilian population in conflict situations. Komnas Ham should ensure that when it investigates allegations of human rights violations, its findings are reflected in its annual human rights evaluation report. Komnas Ham should also include in its educational and public awareness activities applicable international human rights and humanitarian norms, among them the Guiding Principles on Internal Displacement. In addition, Komnas Ham should actively encourage the Indonesian Government to ratify the international human rights and humanitarian instruments relevant to the protection and promotion of the human rights of all people in Indonesia, including the internally displaced.

65. The partnership for protecting and assisting the internally displaced goes beyond the mandates of the national actors. Given the magnitude of the crisis and the resources, both human and material, needed for an effective system of response, the role of the international community is crucial and must take into account the need for protection as well as assistance. So far, the response of the international community has been largely limited to humanitarian assistance and, to a lesser extent, development aid while expanding the assistance programme, the international community should assist the national authorities in discharging their responsibility to protect their internally displaced populations and others in need of protection. OCHA's missions to Kalimantan and the inclusion of some, albeit limited, protection activities in the 2002 Consolidated Inter-Agency Appeal for Indonesia are important examples of the type of protection activities, that need to be built upon. As the official responsible for the coordination of an effective United Nations response to the problem of internal displacement, the Humanitarian/Resident Coordinator, with the direct and active support of OCHA, should seek to establish a constructive dialogue with relevant national authorities to respond to the crises of internal displacement in the country in a comprehensive manner, inclusive of both the protection and humanitarian assistance needs of the internally displaced in accordance with the relevant international humanitarian and human rights norms.

66. As part of the comprehensive plan presented in the 2002 Consolidated Appeal for Indonesia, the international community should seek to strengthen its coordination process, with the participation of the main United Nations humanitarian and development agencies, the International Committee of the Red Cross and non-governmental organizations. Given the useful experience of the UNHCR, which is highly relevant to the needs of the internally displaced, consideration should be given to UNHCR's playing a role in assisting and protecting internally displaced populations, especially in the return process. Consultation and interagency coordination mechanisms should be established by the Humanitarian Resident Coordinator, with the support and assistance of OCHA, and its new IDP Unit.

67. Humanitarian and development agencies implementing programmes for internally displaced persons should ensure that a rights-based approach is used in the design, implementation and evaluation of all humanitarian and development programmes. Advice in this regard should be sought from United Nations agencies with expertise in this area, in particular the Office of the High Commissioner for Human Rights, which itself should consider playing a more active role with regard to internally displaced persons in Indonesia. All United Nations staff working with internally displaced persons should be trained in the use and application of the Guiding Principles, as well as in basic human rights and humanitarian law.

68. A comprehensive strategy should be developed and implemented to enhance the role of the international community in the protection of the internally displaced and the civilian population in conflict areas in general. Such a strategy should consider assessing the possibility of maintaining a presence in communities threatened with displacement and in areas with internally displaced persons, and ensuring safe access by humanitarian workers to areas in conflict. In this connection, OCHA should work together with Bakornas PBP in the assessment of specific situations and in the design of contingency plans, given the risk of escalation of conflicts. Efforts towards building the technical capacity of the national and provincial authorities to deal with the problem of internal displacement, including for conflict prevention and resolution, should be supported.

69. Perhaps the most important aspect of the displacement crisis in Indonesia and the resolute manner in which the Government is responding to the challenge is the newly launched policy and strategy on ending displacement. The three options return, empowerment and resettlement, are not only realistic in principle, but also indicative of the seriousness of the intention of the Government to find durable solutions to the crisis. But while the Representative fully supports the goals of the policy, the time frame and the methods that may be adopted to implement the policy require serious reflection and consideration. For example, the premature withdrawal of food assistance could cause hardship in a number of cases and interfere with the voluntary nature of solutions. Given the resources - human as well as material - that will be needed to implement the policy and the political and intercommunal tensions which persist in a number of areas, ending the displacement problem by the end of 2002 in a manner that is respectful of human rights and humanitarian principles, as restated in the Guiding Principles, may be overly optimistic.

70. In this connection, it is critically important that consultations be carried out with the displaced populations in order to identify and better understand their needs as well as their preferences among the three options. In particular, when returning to their places of residence is not possible, resettlement or integration within existing communities may be better understood if affected people have taken part in the decision-making process. The active involvement of the displaced in the development of the programmes affecting them would also help to avoid costly initiatives that have little positive impact, as was the case with the relocation site at Sungai Asam where a large number of houses were built, but few displaced families have agreed to move.

71. If the resettlement programme is to succeed, the relocation sites must be made attractive to the displaced. This would require heavy investments in infrastructure, self-reliant economic activities and opportunities for growth and development, as well as the close involvement of the displaced; they cannot be expected to be enthusiastic about plans drawn up without their input,

even though the goal is to meet their needs. A successful resettlement programme that meets international standards would likely require resources beyond the capacity of the Government to provide. The international community must therefore make up the shortfall.

72. Special attention should also be paid in return and reintegration to the special needs of women and children, in particular on access to the education system, free of charge. The Ministry of Women Empowerment should take an active part in assistance and protection programmes for women and children, with the technical assistance of United Nations bodies, specialized agencies or bilateral donors.

73. The safety concerns of the returning or resettling populations must also be addressed. In this connection, there is a need for a national and international presence in order to address potential problems in these areas. It might also be instructive to study earlier relocations under the transmigration policy and identify the lessons learned so that potential conflicts between different ethnic and religious groups can be averted. Conflict resolution programmes to bring groups together should also be an integral part of the return and resettlement process.

74. It is reassuring that the policy recently adopted by the Government aims at addressing the root causes of displacement. This means not only meeting the humanitarian needs of the populations affected by conflicts, but also finding solutions to the conflicts that generate displacement. In this connection, it is worth noting that during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance the Government of Indonesia[16] acknowledged that the riots and communal conflicts that had broken out in some parts of the country had an ethnic and religious connotation frequently associated with human rights abuses. It expressed its determination to address the root causes of domestic conflicts arising from racial, ethnic or religious differences in a multicultural, multi-ethnic and multilingual society, and to promote the values of tolerance and mutual respect among the different ethnic and religious groups through education programmes and reconciliation dialogue.

75. The Representative has persistently made the point that in working towards solutions to situations of displacement, there is an opportunity, and indeed a need, for Government and other pertinent actors to address not only the situation of the internally displaced population, but also the root causes of the conflicts that displaced them. In Indonesia, there is an urgent need to ensure that ongoing tensions are controlled in order to prevent conflicts from spreading and new conflicts from erupting. In the Declaration adopted at the Durban Conference, Member States recognized that, among other factors, racism, racial discrimination, xenophobia and related intolerance contribute to forced displacement and the movement of people from their places of origin.

76. It should also be noted that the Durban Programme of Action urges States to take effective steps to protect internally displaced persons from violence, in particular violence against women and girls, to investigate any such violation and to bring those responsible to justice, in collaboration, when appropriate, with the relevant and competent authorities. The Programme of Action further encourages the bodies, agencies and relevant programmes of the United Nations system and States to promote and make use of the Guiding Principles on Internal Displacement, particularly those provisions relating to non-discrimination.

77. To conclude, the Representative has often noted that his most effective missions are to countries in which the Government admits the problem of internal displacement and seeks the cooperation of the international community to find remedies. Missions would have no purpose or positive outcome where there is total denial of the existence of the problem, where access is denied, or where the problem is viewed as so overwhelming that pessimism discourages efforts to address it. From this perspective, the mission to Indonesia took place at an opportune time. The crisis of displacement, though new, had rapidly assumed major proportions. The Government had acknowledged the problem and had resolved to bring it to an end in the shortest possible time with the assistance of the international community. It is important now that the Government work closely with displaced communities and local and international partners in designing solutions and that it extend full access to humanitarian agencies. It is also important that the international community respond positively to this challenge, and, in consultation and partnership with the Government of the Republic of Indonesia, ensure that the current needs of the internally displaced for protection and assistance are effectively addressed. It is, however, also vitally important that the objective of ending displacement in the shortest possible time be pursued with due regard to the aspirations of the people, that appropriate conditions for their return or resettlement be created, that their integration into existing communities be genuinely empowering, and that in implementing the respective "patterns", the overriding values of human dignity are respected and supported.

Notes

[1] Initial report of Indonesia to the Committee against Torture (CAT/C/47/Add.3), 16 July 2001.

[2] *An Official Handbook - Indonesia 2000*, Department of Information, National Communication and Information Board, Republic of Indonesia.

[3] The National Coordination Agency for Disaster Management and the Handling of Internally Displaced Persons, established on 9 January 2001 by Presidential Decree No. 3/2001.

[4] Created by Presidential Decree No. 50/1993 on 7 June 1993, Komnas Ham is a member of the International Coordinating Committee of independent national institutions that groups national institutions for the promotion and protection of human rights which have been established in accordance with the Paris principles.

[5] Act of the Republic of Indonesia No. 15 of 1997 on Transmigration Matters, *Official Handbook - Indonesia 2000*.

[6] W. Courtland Robinson, "Development-induced displacement: causes, consequences and concerns for the international community", paper prepared for The Brookings-CUNY Project on Internal Displacement, 2002 (forthcoming).

[7] United States Committee for Refugees, "Shadow plays: the crisis of refugees and internally displaced persons in Indonesia", January 2001.

[8] National policy on the handling of internally displaced persons/refugees in Indonesia, government policy document issued by the Coordinating Minister for Social Welfare, 18 October 2001. Unofficial translation provided by OCHA.

[9] Consolidated Inter-Agency Appeal 2002 for Internally Displaced Persons in Indonesia launched on 27 November 2001.

[10] Ibid.

[11] Exchange rate on 21 January 2002 (1.00 United States dollar equivalent to 10,434.81 Indonesian rupiahs).

[12] By December 2001, the food assistance was to have stopped although several provinces have asked the Government for permission and the funds to continue for another three to four months.

[13] The term pengungsi in Indonesian is used for both internally displaced persons and refugees. The term "internal pengungsi or internal refugees" is sometimes used to specify that it refers to internally displaced persons.

[14] A memorandum of understanding was signed by OHCHR and the Government of Indonesia on 13 August 1999. During 2001, the High Commissioner for Human Rights continued discussions with the Government, in particular the Ministry of Justice and Human Rights, on a technical cooperation project to support the administration of justice regarding human rights-related criminal proceedings.

[15] Subsequently, the Supreme Court of Indonesia increased the sentence of three of the convicted men to 5-7 years' imprisonment. OCHA, consolidated situation report No. 60, 18-25 January 2002.

[16] Statement by H.E. Mr. Yusril Ihza Mahendra, Minister of Justice and Human Rights of the Republic of Indonesia, 2 September 2001.

Appendix I

MAP OF INDONESIA

Appendix II

INTERNALLY DISPLACED PERSONS IN INDONESIA, BY PROVINCE

Province	Households	Persons	Place of origin
Maluku	51 551	300 091	Local
North Maluku	33 268	166 318	Local
East Java I	39 981	165 732	Sambas, Tim-Tim, Ambon, Aceh, Irja, Kalteng, Maluku
South-east Sulawesi	32 513	161 226	Maluku, Tim-Tim, Poso, Sambas
Nusa Tenggara Timur	29 178	143 803	Tim-Tim
Central Sulawesi	19 507	78 038	Poso
West Kalimantan	11 255	58 544	Sambas
North Sulawesi	11 945	47 780	Maluku, Maluku Utara, Poso
D. I. Aceh	13 587	54 349	Local
North Sumatra	10 635	50 947	D.I. Aceh
South Sulawesi	9 023	36 104	Tim-Tim, Poso
Irian Jaya	4 027	16 600	Maluku, Maluku Utara, Wamena
Nusa Tenggara Barat	3 078	14 166	Tim-Tim, Maluku, Kalbar, Irja Poso
Central Java	2 788	11 799	D.I. Aceh, Tim-Tim, Kalbar, Maluku, Irja, Sulawesi
West Java	2 363	9 275	D.I. Aceh, Tim-Tim, Kalbar, Maluju, Irja, Sulawesi
Riau	762	3 135	D.I. Aceh
Bali	751	2 974	Tim-Tim
Jambi	519	2 103	D.I. Aceh
South Sumatra	425	1 700	D.I. Aceh
Total	277 156	1 324 676	

Source: Bakornas PBP, 5 September 2001.

Appendix III

NATIONAL POLICIES ON THE HANDLING OF INTERNALLY DISPLACED PERSONS/REFUGEES IN INDONESIA[a]

1. Introduction

Various conflicts in our homeland since the multidimensional crisis and the struggles for reform have resulted in waves of IDPs/refugees[b] being dispersed throughout Indonesia.

The numerous efforts by the central/local government, together with the Indonesian people and international community have until now failed to provide adequate solutions. Concurrent with the improving of the social and political situation of the nation and the moving forward of the economy, it is felt that now is the appropriate time to immediately finish the management of IDPs/refugees in Indonesia.

It is necessary to find breakthroughs, without sacrificing humanitarian principles, to immediately end the problems of IDPs/refugees.

2. Current conditions

The total number of IDPs/refugees, present in 20 provinces, is 286,944 families or 1,337,503 persons, according to the reports of the governors in their capacity as the heads of the Executive Coordinating Unit for Disaster Management and the Handling of IDPs (Satkorlak PBP). The number is changing all the time and tends to increase.

The huge number of IDPs/refugees in turn has created other, more complex problems. It is deemed necessary to sharpen the preventive and remedial efforts, to be conducted in a synergic and coordinated way, accompanied by firm actions.

The majority of IDPs/refugees are sheltered in emergency tents, barracks, dormitories, meeting halls, stadiums, and other public facilities. The rest stay in homes of families or their own accommodation. The Government and the people have provided emergency assistance for almost three years, in the form of food, clothing, shelter (barracks/tents), medicines and health services, clean water, sanitation, educational and religious services, etc.

Although the Governor, as head of the Satkorlak PBP, is entrusted with full responsibility for handling the problems, the central Government continues to provide special assistance, including food and shelter from the Ministry of Social Welfare; medicines and health services from the Ministry of Health; emergency shelter, clean water, sanitation, building materials as stimulants, and infrastructure at relocation sites from the Ministry of Housing and Regional Infrastructure; construction aid and new relocation facilities, including allowance money, from the Ministry of Manpower and Transmigration; as well as other programme or activity assistance from other government ministries or offices. Meanwhile, the local government may also explore and receive assistance from the communities and from national and international organizations.

3. Current problems

The handling of IDP/refugee problems has become more complex. It is not only a humanitarian concern, but also linked to political, economic, social, cultural, religious and security affairs. The longer the IDP problem remains unsolved, the more complex it will become, and in the end it will threaten the government process and national development. Disharmony and lack of coordination among government officials, on the other hand, and between them and national and international organizations, and community potentials, have caused moral and material lost opportunities.

Jealousy and dissatisfaction between IDPs/refugees and local communities have occurred, caused by a feeling of injustice, which tend to cause new problems and conflicts. These must be avoided and eliminated.

A sizeable amount of funds has so far been disbursed, along with time and energy, which should be used for other poor communities, who represent a larger percentage.

4. Policies and strategy

National policies

Accelerating the handling of IDPs/refugees is done through 3 (three) consecutive priority patterns with IDPs/refugees in the shelter sites, as follows:

Pattern 1 (Return): To return the IDPs/refugees to their normal life, which means the IDPs/refugees return to their places of origin in peace. This can be achieved with a strong willingness on the part of the IDPs/refugees, the readiness of the local communities to accept their return, and facilitation support by the Government. The most important effort needed to achieve this is to create a feeling of security and comfort, as well as the strengthening of reconciliation guided by relevant government officials. Necessary funding includes stimulant assistance for every IDP/refugee to restart his life and renovations of facilities in their places of origin. Implementers: Ministry of Social Welfare, local government.

Pattern 2 (Empowerment): To give the IDPs/refugees opportunity to start a new life within an existing community, with assistance and facilitation from the Government, whether in terms of employment or facilities to make it easier for them to earn a living. It is necessary to provide the IDPs/refugees with skills or capital to enable them to stay on their feet. Implementers: State Minister for Cooperatives and Small-Medium Enterprises, Ministry of Manpower and Transmigration, local government.

Pattern 3 (Resettlement): To resettle the IDPs/refugees to a new site through a relocation programme, by insertion or local transmigration. This will require a significantly higher budget to clear land, build houses, build public facilities, provide farming tools and equipment, and an allowance for a period of time. A pattern supported by agricultural or plantation programmes has a very good prospect for the IDPs/refugees in the future. Implementers: Ministry of Manpower and Transmigration, Ministry of Housing and Regional Infrastructure, local government.

The handling of IDPs/refugees is expected to be completed by the end of December 2002.

Management strategy

In principle, the handling of IDPs/refugees is to be conducted and is the responsibility, through a "one-gate" policy, by the Governors as heads of Satkorlak PBP in their respective provinces. If several provinces are affected, then efforts will be facilitated by Bakornas PBP. The technical ministries/offices at the central level, through the coordination of Bakornas PBP [National Coordination Agency for Disaster Management and the Handling of Displaced Persons], will act as the Technical Manager/Supervisor in their respective sectors.

The aim is to terminate assistance in the form of rice and side-dish money by the end of December 2001, and to empty emergency barracks/shelters in accordance with the implementation of Patterns 1 and 2.

5. Budget

To implement the above-mentioned programmes a budget is needed to achieve all its objectives, which would need to be flexible to suit the conditions of the different regions.

The estimated budget cost for the handling of IDPs/refugees according to Patterns 1, 2 and 3 in the main areas is attached.[c]

Several countries, international organizations and United Nations agencies are willing to assist this programme.

6. Closing

Through the above policies and strategy, it is hoped that the fundamental handling would end the problem of IDPs/refugees. Follow-up guiding efforts will be implemented through usual channels of various government programmes to enrich the life of the people toward a better, prosperous living.

Notes

[a] Document included in the United Nations 2002 Consolidated Appeal for Indonesia. Government policy document issued by the Coordinating Minister for Social Welfare, Yusuf Kalla, on18 October 2001. Unofficial translation provided by OCHA.

[b] The Indonesian term pengungsi is used to signify both internally displaced persons and refugees.

[c] Not attached to document received by OCHA.